Office of the Independent Police Monitor

City of New Orleans

2016 Annual Report:

Statistical Review of NOPD's Use of Force

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Independent Police Monitor

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INDEPENDENT POLICE MONITOR MISSION AND RESPONSIBILITIES

The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and which opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the New Orleans Police Department (NOPD), and officer safety and working conditions. The OIPM has six broad responsibilities:

> 1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
> 2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
> 3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
> 4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
> 5) To mend police/community relationships by fostering effective police/community partnerships.
> 6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. Although OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is mindful of the impact of these other criminal justice actors upon the operations of NOPD and will attempt to analyze that impact in future reports. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. Our recommendations to improve NOPD's accountability systems originate from these activities.

A NOTE FROM THE INDEPENDENT POLICE MONITOR

Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor's Ordinance)
The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor's Ordinance provides as follows:

> The independent police monitor shall be required to issue at least one public report each year, by March 31, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency.

This "Statistical Review of NOPD's Use of Force" is part of that report.
Herein the OIPM will publish the OIPM's statistics and the OIPM's review of the NOPD's statistics on reported uses of force.

The OIPM is not statutorily permitted to conduct its own administrative investigations, except in regards to police details, but does oversee, analyze, and make recommendations regarding the administrative reviews and use of force investigations of the NOPD.

The OIPM presents the data relating to the OIPM's 2016 activities contained herein for the public's review along with some preliminary analyses. The OIPM and NOPD are working together to ensure that the OIPM has complete and in-office access to the NOPD's data systems to review and analyze that data more thoroughly.

2016 OIPM USE OF FORCE MONITORING AND REVIEW ACTIVITIES

NOPD's 2016 Use of Force Annual Report

This year NOPD has drafted an annual report which details the number and types of force reported during 2016. These reports will be issued by the NOPD's Public Integrity Bureau (PIB) and the Compliance Bureau. The NOPD's 2016 report is not attached because the report has not yet been finalized.

Investigations and Levels of Force

NOPD uses of force are investigated according to their levels. "For reporting and investigative purposes, the Department categorizes use of force by its members into four (4) force reporting levels:"[1]

- Level 1 – the lowest level of force, may involve "pointing a firearm or CEW at a person and hand control or escort techniques,"
- Level 2 – includes the use of a Taser (CEW); use of an impact weapon to strike a person but where no contact is made; use of a baton for non-striking purposes,
- Level 3 - includes any strike to the head (except for a strike with an impact weapon); use of impact weapons where contact is made (except to the head), regardless of injury; or the destruction of an animal.
- Level 4 – the highest level of force, includes all 'serious uses of force': lethal force, critical firearm discharges, uses of force that cause serious injuries, hospitalization, or loss of consciousness, neck holds, canine bites, multiple Taser applications.

"It is the policy of this Department that every reportable use of force by an NOPD officer be reported accurately, completely, and promptly, and investigated with the utmost thoroughness, professionalism and impartiality to determine if the officer actions conform to the law, complies with the Department's Chapter on use of force, and was consistent with NOPD training."[2]

The Public Integrity Bureau's Force Investigation Team (FIT) investigates Level 4 uses of force or criminal force; and district supervisors investigate Levels 1-3.

FIT also investigates any level of force involving a rank equal to or higher than lieutenant, cases designated by the superintendent or his designee, all critical firearms discharges by any outside agency including university police except State Police and Federal agents.

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[1] See Appendix A, Levels of Reportable Use of Force from NOPD Operations Manual, Chapter: 1.3.6, Paragraph 10-15.

[2] NOPD Operations Manual, Chapter: 1.3.6, Paragraph 1.

In its 2015 Annual Report, the OIPM made the following recommendations that:

1. NOPD break down its use of force statistics by Level as well for its Annual Report. The NOPD does provide details about the types of force used, but a chart including Levels of Force will provide the public with more information about the seriousness of the force used in a year.

2. NOPD break down its use of force statistics by District or Division for its Annual Report as well.

3. NOPD break down its use of force statistics to include, suspect demographics, officers' years of service, officer demographics, number of rounds fired, tactically appropriateness and the appropriateness of the use of force.

The NOPD's 2016 Use of Force Annual Report did not address the majority of OIPM's recommendations.

1. NOPD did not follow this recommendation. A chart was provided summarizing use of force by type, but it is not made clear to the public how each type corresponds to a specific level.
2. NOPD did not follow this recommendation. Use of force was not detailed in reference to any geographic attributes, including division, district, or division level.
3. NOPD did not follow this recommendation. Force is never explained along any of these characteristics.

SUMMARY

Operations at the New Orleans Police Department rely on a multitude of systems, each in constant evolution. As these systems mature, they serve as tremendous tools for NOPD, OIPM, and the greater community which we both serve. NOPD's participation with the City's open data initiative at *data.nola.gov* is a clear example of the potential. OIPM noted and began discussing the data quality issues within the data with NOPD in 2016. The OIPM and NOPD have both noted data quality issues separately. The data is housed in the NOPD's complaints and use of force database (IAPro) and some access has been provided to the OIPM to obtain and analyze that data.

A first draft of OIPM's 2016 annual report on use of force was due by March 1, 2017 and a final draft was due March 31, 2017. OIPM officially requested access to the IAPro database on January 10, 2017. It was not until March 28, 2017 that NOPD informed

OIPM that it had granted OIPM access to the IAPro database. OIPM has not yet had the opportunity to confirm access due to its March 31, 2017 report deadline. As such, OIPM performed the analysis for this report with the best information available at the time of writing. We are encouraged by recent communications from NOPD that IAPro database access has been granted and we are enthusiastic about the improvements this access will make possible for the 2017 OIPM Annual Report.

Additionally, in order for the OIPM to fulfill its mandate and duties, the OIPM must have complete and in-house access to NOPD datasets. NOPD and OIPM remain in frequent communication about these issues and have agreed to discuss a framework for working together to verify the accuracy and ensure access data moving forward.
In the interest of sharing our specific findings with NOPD and the public, the remainder of this section enumerates every data source relevant to this report in terms of access, quality, and methodology.

The following datasets were used for this report:

- <u>Use of force incidents</u>: Exported by NOPD and delivered to OIPM on February 17, 2017. On March 30, 2017, NOPD and OIPM reached consensus on a final count of 589 reportable force tracking numbers (FTN) that correspond to 1,563 individual uses of force (UOF).
- <u>Active NOPD officers</u>: Exported by NOPD and delivered to OIPM on March 10, 2017. This dataset contains 1,239 officers.
- <u>Arrests</u>: OIPM used Electronic Police Reports obtained directly from *data.nola.gov* on March 8, 2017.
- <u>Stop and Search</u>: OIPM obtained directly from *data.nola.gov* on March 10, 2017.
- <u>United States Census 2010</u>: OIPM obtained directly from *census.gov*.

Access

OIPM currently has access to IAPro, an application that NOPD uses to manage data about use of force. However due to limitations of the tool itself, extracting information and generating reports from the tool is prohibitively limiting.

OIPM has requested that NOPD provide direct access to the database that powers IAPro. This type of connectivity would allow OIPM to directly query the data in the same way that NOPD does in order to populate *data.nola.gov*. As noted above, at the time of this writing, NOPD has communicated that access has been granted but OIPM has not had the opportunity to confirm access. Consequently, this report was written using data provided by NOPD from an earlier date. The data provided is almost identical to what can be found on *data.nola.gov* with several custom columns added at OIPM's request.

Quality

The data provided by NOPD provides information for an impressive number of attributes of each incident. The OIPM did note some issues with the data, based on the considerations below:

- Data entry: According to the data, there are active NOPD officers who were 135 years old in 2016. There are also racial classifications such as "City Council". In places, data entry resulted in inaccuracies.
- Non-transparent filters: NOPD has taken the liberty of regrouping and reclassifying some bits of data before uploading them to *data.nola.gov* and before providing them to OIPM. This was done in an effort to make the data more understandable. OIPM was given the opportunity to see the queries that performed this manipulation during one in-person meeting. To date, OIPM has not received a copy of these filters for closer analysis. The OIPM has generated the following data access process map according to the information it has been given:
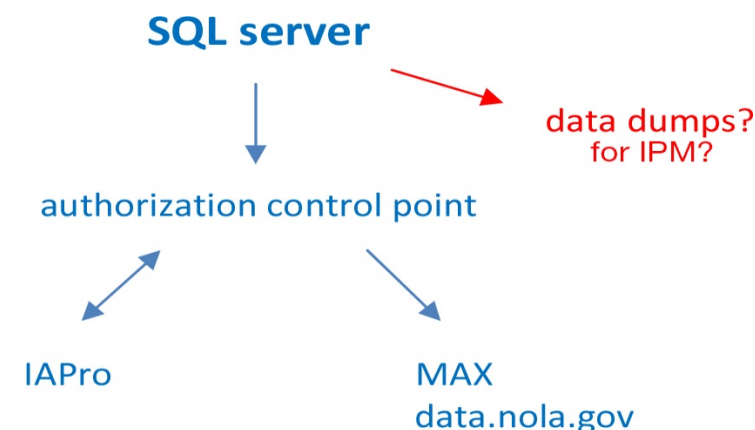

FIGURE 1: NOPD DATA ACCESS PROCESS DIAGRAM

- Inconsistencies with NOPD: After close collaboration between the two offices, NOPD and OIPM were ultimately able to come to consensus over the total number of force incidents that occurred in 2016. During this process, it was noted that the information on *data.nola.gov* is dynamic and changes frequently. Not only can the number of results vary based on when data is pulled, but individual attributes of each row are subject to reclassification over time. Although our total counts of force are the same, it is possible that smaller pieces of our respective analyses may differ depending on when data was accessed.
- Unclear terminology: Certain fields, such as the "effectiveness" of a particular use of force, are reported by NOPD, but it is not clear how NOPD determines this internally. The clearest definitions of "effective", "limited effectiveness" and "not effective" have been provided by the developers of IAPro. NOPD does not appear to have a consistent internal definition.
- OIPM has discovered a large number of fields marked "null", "undefined", "other", "blank," or simply left blank all together. The vagueness of these classifications deserves further explanation.

Methodology

The following describes details about the steps OIPM has taken during its analysis. It also provides clarification about some important terms used throughout the report. Additional notes on methodology are included along with the actual analysis, where it was deemed helpful.

Acknowledgement of context
The Office of the Independent Police Monitor would like to acknowledge the pace, complexity, and danger of the work that officers of the New Orleans Police Department carry out every day in order to serve their community. Each use of force represents a complicated real-world interaction that no dataset or single quantitative analysis could capture completely.

In recognition of these complexities, OIPM has made an effort to present findings that are supported by the information available and has tried not to jump to conclusions where further investigation, data normalization, and understanding of context is merited.

FTN & UOF
FTN stands for "force tracking number". It is the designation given to track the entirety of an interaction between NOPD and one or more individuals wherein force was used.

There were 653 FTNs issued in 2016. Of those, 64 were eventually determined not to qualify as an actual use of force. Consequently, only 589 FTNs were analyzed for this report.

UOF stands for "use of force". It represents a specific type of force used by a specific officer against a specific person. There were 1,563 UOFs in 2016.

A single FTN corresponds to one or more UOF. If Officer A and Officer B both use their hands against Individual C, the result would be <u>one FTN</u>, corresponding to <u>two UOFs</u> (one for each officer). The same pattern would apply if there were multiple types of force used or multiple individuals that force was used on.

There were 2.65 times more UOFs than FTNs. This means that each incident involved an average of 2.65 different types of force, officers, or individuals.

This report will always clearly label whether FTN or UOF is being used for a particular analysis but the onus is on the reader to remain vigilant of the distinction.

<u>Division Level and Division</u>
The dataset NOPD provided OIPM has incomplete and inaccurate information about division levels and divisions. *Appendix B: Steps taken to normalize data on division and division* level contains information about steps OIPM has taken to make the data more useable. NOPD is aware of this issue and will be addressing it going forward.

Race-Based Analysis

Occasionally we will show use of force data in relation to all races that NOPD reports: Black, Hispanic, American Indian, Asian, and White. However, much of our analysis shows that black people (underline other people of color) in New Orleans experience an overwhelming amount of force. In most cases, it is clearest to present findings in only two race-based categories: black people, and non-black people (Native American, White, Hispanic, Asian, and all other races) than it would be to give data for each individual race.

It should be noted that black people + non-black people is always equal to 100%. When reading a graph that shows what percentage of force is used against black people, the reader may calculate the amount of force used against non-black people by subtracting from 100%[3].

In order to further communicate the extent of the observed disproportionality of force used against black people in New Orleans, OIPM has provided other metrics to serve as benchmarks on racial disparities in *Appendix C: Race based comparisons for NOPD districts in* 2016. *Appendix D: Racial composition of NOPD officers active in 2016* contains the breakdown of NOPD officers who were active in 2016.

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[3] For example, if use of force against black people is 72%, then the amount of force used against people who are not black is 28% (100% - 72%).

Exhibiting, Deployments, and Discharges

When a police officer fires a gun, it is called a 'discharge'. When a police officer fires a CEW/Taser, it is called a 'deployment'. This is in contrast to when an officer 'exhibits' a gun or a Taser by pulling the weapon out of its holster and pointing it, but not deploying or discharging.

A significant finding of this report is that exhibiting of firearms and CEWs has increased substantially. This should not be confused with deployment and discharge.

Individuals

NOPD and OIPM have discussed how to refer to the people that force is used on. *Subjects*, *survivors*, *citizens*, *objects*, *victims*, *people*, and several other options have been considered. Following a recommendation from NOPD, OIPM has decided to refer to this group as 'individuals'. It is our hope that this terminology adequately reflects the humanity of persons that force is used against.

Recommendations

In this report, OIPM makes specific recommendations throughout the individual sections of the analysis. Regular internal audits of data quality by NOPD would go a long way to resolving the more specific issues discussed below.

Access

NOPD has informed OIPM that it has taken into account earlier feedback and improved the accuracy of officer information within IAPro. Given OIPM's lack of complete and in-office access to IAPro data at the time of writing, NOPD provided an export of all officers on active duty in 2016. We thank NOPD for providing us with this information in the interim.

Quality

OIPM has not tested the quality of the information provided.

Methodology

This data was only used to establish the total number of officers on active duty in 2016 and the racial breakdown of NOPD as a whole department. The use of force dataset contains a column that lists the race of the officer(s) involved in each FTN & UOF. Information from the UOF data is always used where possible.

Recommendations

It is encouraging that NOPD has communicated its adoption of previous recommendations from OIPM about improving officer accuracy. OIPM will conduct a follow-up to verify these changes.

Arrest Rates

Arrest rates serve as a good point of comparison for use of force. NOPD does not have a single, reliable method for calculating the number of arrests that the department performs on an annual basis.

Access

One possible source for arrest data is NOPD's Electronic Police Report. This is the dataset used for this report.

A second source that could have been used is the arrest report from the Orleans Parish Sheriff's Office (OPSO). NOPD uses this external source for reporting its official arrest count. OIPM does not have access to this dataset.

Quality

The 2016 Electronic Police Report entries do not correspond perfectly to arrests. The steps OIPM has taken to convert records from the 2016 Electronic Police Report into arrests are an approximation. Our methodology is described below. NOPD was unable to offer a more precise solution.

Between OIPM and NOPD, there is a discrepancy of 2,363 (9.7%) arrests. But the accuracy within each of these entries is also questionable. For example, the normalization detailed in step 4 shows suspect races that make no sense, such as "city council". The same pattern exists on other fields such as report type, victim age, victim gender, and suspect age.

OIPM is also concerned with the pattern of relying on OPSO for arrest data. It is unclear why NOPD is unable to produce these numbers internally. Furthermore, OIPM is aware that OPSO arrest counts do not include information about juveniles.

Methodology

There are 116,456 total entries in the 2016 Electronic Police Report. The actual number of arrests is much smaller because some arrests will have multiple police reports for each charge while other police reports will not lead to an arrest at all. OIPM has performed the following data cleaning process ultimately revealing a total of 24,247 arrests in 2016:

1. Filter out entries where the race of the suspect is blank. We assumed this means the suspect was never apprehended.
2. Filter out entries where the charge code is blank. We assume there was no arrest if no charges were made.
3. Select unique item numbers. This is done to remove cases where there were multiple charges for one arrest.
4. Normalize the suspect race column with the following reclassifications: "ALARMS", "ALL SCHEDULES", "CITY COUNCIL", "DISTRIBUTION", "DISTRIBUTION OR POSSESSION OF LEGEND DRUGS WITHOUT PERSCRIPTION", "ETC", "RESIDENCE" => "UNKNOWN".

OIPM used annual reports from ***nola.gov/police*** for historic arrest data. OIPM believes the historic arrests numbers from NOPD reports also came from OPSO. Overviews of the data used can be found in *Appendix E: Arrest totals by district and* race*, Appendix F: Arrest percentages by district and* race *and Appendix G: Arrests by* year.

Arresting someone is one of the most significant types of interactions between officers and individuals. The following recommendations would improve the transparency of this process.

- NOPD should provide clear instructions on *data.nola.gov* for converting electronic police report data into number of arrests. It would be ideal for NOPD to add two columns to the dataset:
  - Arrested (yes/no)
  - Suspect ID (a unique, arbitrary ID for the suspect)
- NOPD should use dropdowns or input validation on all multiple-choice fields of the police report. This will reduce erroneous classifications.
- NOPD should clarify how race is determined and what it means for someone who is arrested to have an "unknown" race.
- NOPD should determine a single method for reporting all arrests, either using internal data, or data reported by OPSO. This dataset should be shared with OIPM and published on *data.nola.gov*.

Stop and Search (Field Interview Cards) Data

Access

There were no issues accessing stop and search information from *data.nola.gov*.

Quality

The NOPD's Stop and Search data is used in the OIPM's comparisons about use of force. The NOPD's definition of Stop and Search varies from the Stop and Frisk (Terry Stops) definition commonly used throughout the US. The NOPD's definition comes from the mandate in the Consent Decree.

Methodology

The data is summarized on a city-wide level and by districts.

Recommendations

The OIPM would like to be able to review Terry Stops better. The OIPM has requested the NOPD's assistance in separating this information from the Stop and Search data currently collected by NOPD.

2010 US Census

Census information is used extensively throughout the report so that use of force can be compared to the demographics of the police district that the incident occurred in.

Access

Data was downloaded from *census.gov*

Quality

This information is increasingly outdated and may not reflect the current demographic make-up of New Orleans.

Methodology

Census information is not grouped by NOPD district. Census tracts were overlaid with NOPD districts for the purposes of calculation. Census tracts correlate well to distinct police districts.

The analysis section of the UOF report is split into three sections:
1. Analysis of details pertaining to the NOPD department, as a whole.
2. Analysis of details pertaining to groupings of NOPD officers.
3. Analysis of details pertaining to the individuals subjected to NOPD actions.

SECTION 1: USE OF FORCE BY ALL NOPD

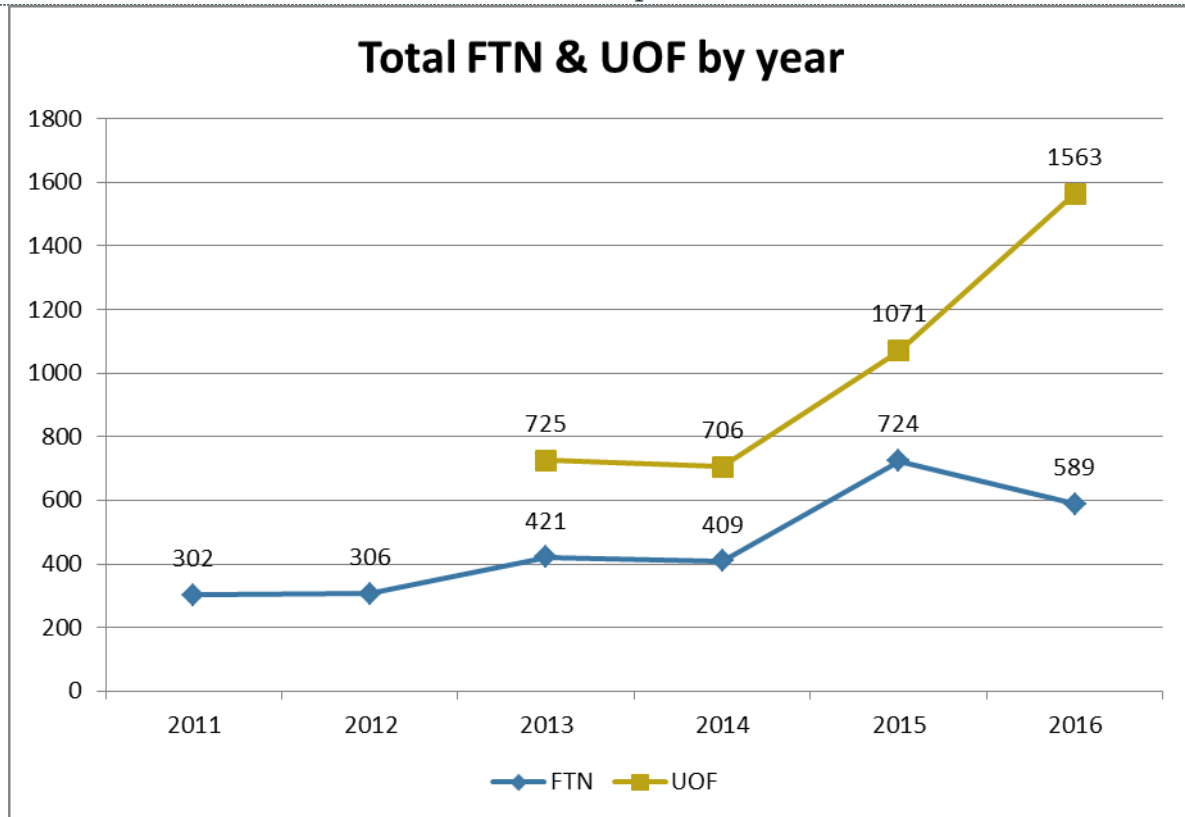### Annual comparison

FIGURE 2: TOTAL FTN & UOF BY YEAR

There were 589 FTNs in 2016, down by 135 FTNs from the previous year. On the other hand, UOFs increased by nearly 46% from 1,071 to 1,563. This indicates that although there were fewer encounters with police that resulted in force being used, more types of force and/or a larger number of officers & subjects were involved in each altercation.

FIGURE 3: FTN & UOF BY MONTH

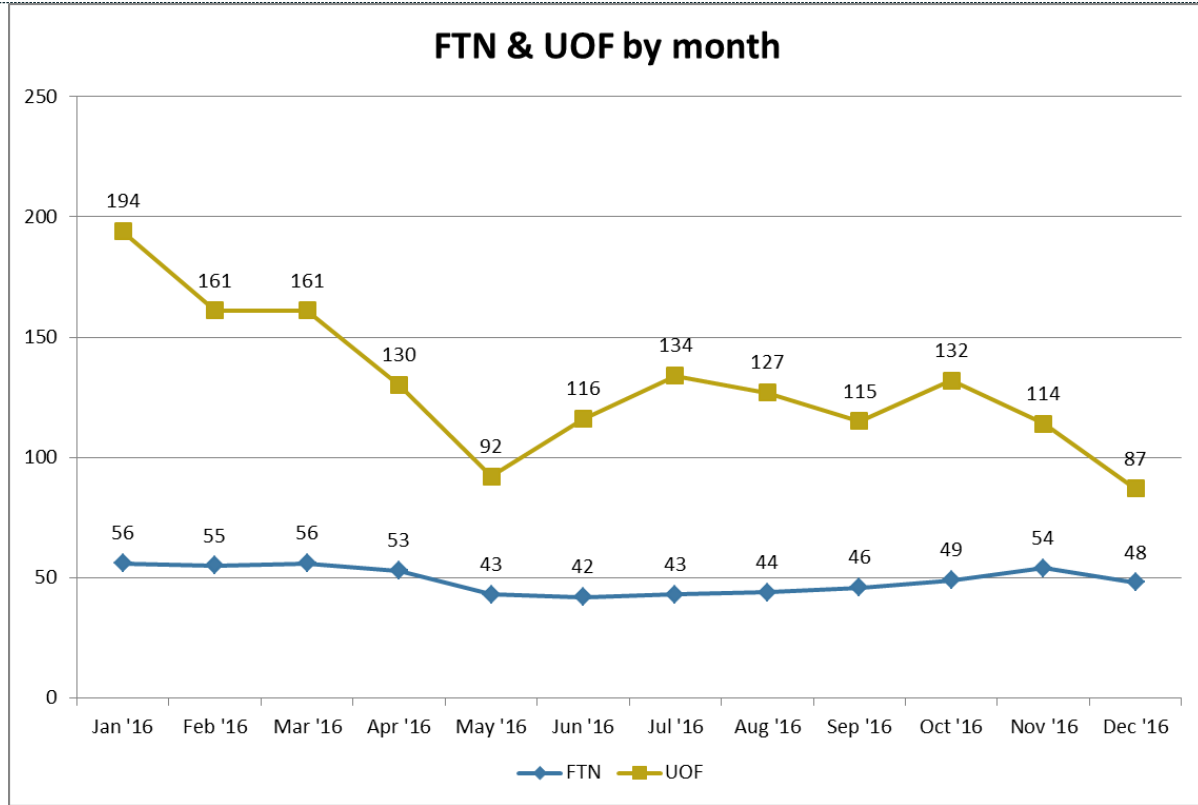Figure 3 clarifies the relationship between FTN and UOF. The number of incidents in which force is used is always between 42 and 56 monthly. The number of UOF ranges from 87 to 194 per month. Drilling down further, the average number of UOF per FTN is 2.65 with a standard deviation of 3.10.

There is high variability between the number of FTN and the resulting UOF.
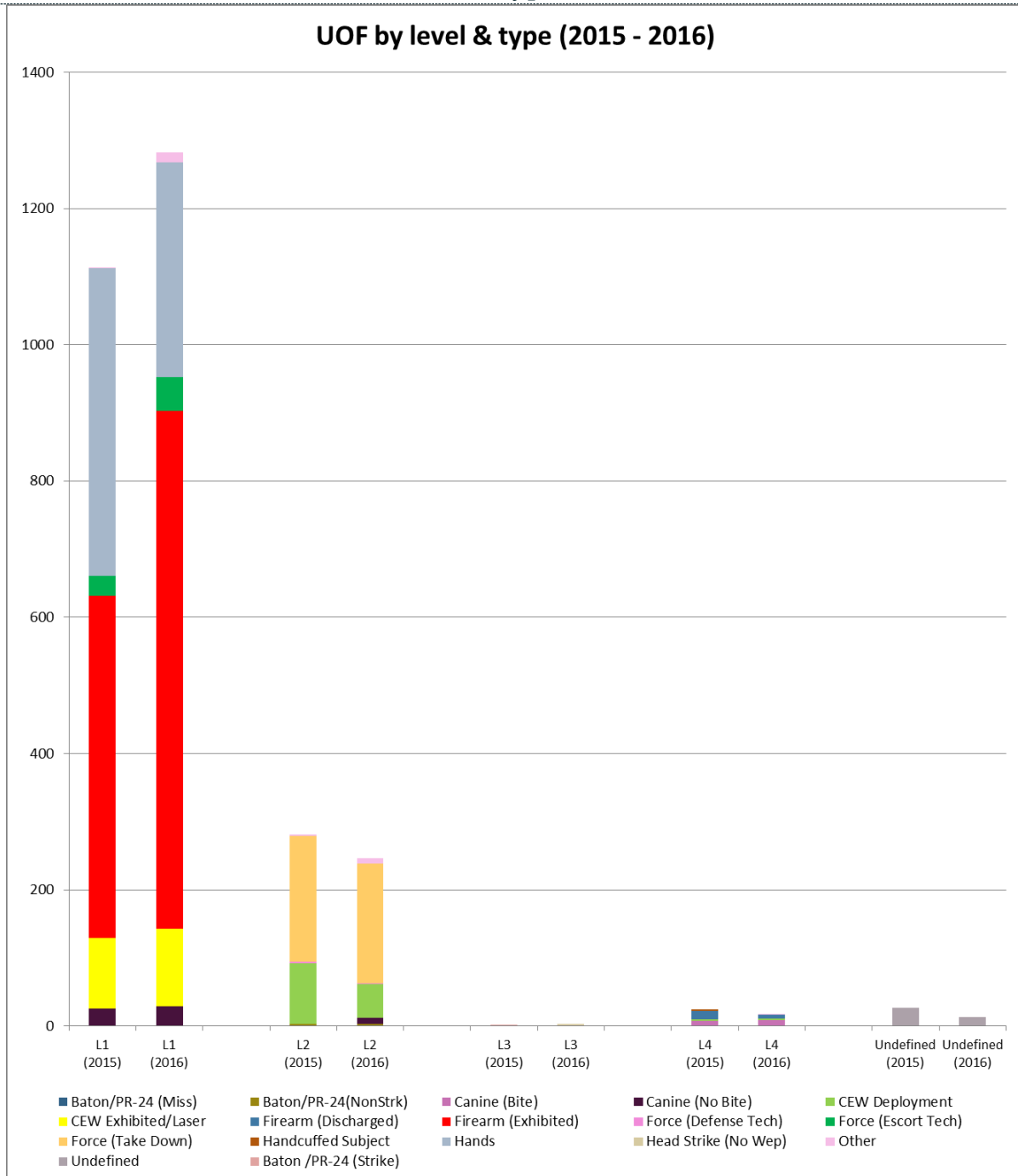
FIGURE 4: UOF BY LEVEL & TYPE

Data quality and methodology
See *Appendix H: Notes on level and type of force.*

Analysis
NOPD classifies UOF incidents into four levels – 1, 2, 3, and 4 -- with level 4 being the most dangerous and level 1 being the least dangerous. The tallies for UOF incidents levels in 2016 are above those from 2015. There were eighteen (18) level 4 incidents in 2016, down from twenty-four (24) in 2015.

Level 1 UOF increased by 6.7% between 2015 and 2016. In 2015, the total number of level 1 UOF was 1,203. In 2016, the number was 1,283.

Discharging firearm and CEW
Firearm discharge usage, which is a Level 4 incident, went from 12 instances in 2015 to just 5 instances in 2016 (58% decrease). CEW deployment fell from 89 instances to 50 (43% decrease). More detailed information about firearm discharges may be found in the OIPM 's *2016 OIPM Use of Force Monitoring and Review Activities* report.

Exhibiting firearms and CEW
The increase in Level 1 UOF incidents may be mostly attributed to the increase in firearm exhibition[4]. In 2015, officers exhibited their firearms 502 times. A year later, officers exhibited firearms 760 times. That's an increase of 258 instances, or 51%. Overall, an officer's exhibition of his/her firearm accounts for 49% of all UOF incidents.

Similarly, Taser exhibition increased by 11% in 2016. In 2015, the number of CEW exhibitions total to 103. In 2016, CEW exhibitions reached 114 instances.

While firearm exhibition and CEW exhibition are both level 1 UOF incidents and show restraint by police officers in using this type of force, these numbers are still of concern because of the possibility of human error whenever weapons are handled. Although NOPD made significant improvements during 2016 in reducing firearm/CEW discharges/deployment, OIPM will continue to monitor exhibitions of these weapons.

Hands
Hands is the third most common Level 1 type of force. It decreased from 451 in 2015 to 316 in 2016. Combined with the facts above - total use of force increased and exhibiting of firearms and CEW increased - it seems to indicate that the NOPD is increasingly utilizing the exhibition of weapons over the use of physical force.

Recommendations

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[4] NOPD adopted new force reporting policies at the end of 2015. These policies were rolled out during 2016. This means that 2017 will be the first full year of these policies and that 2015 and 2016 data are not totally comparable.

- Dropdown menus should be added and used in IAPro to avoid CEW fields and null values.
- These dropdowns should also link levels and force types so that force types cannot be associated with an invalid level.
- Other should not be a category (24 entries).
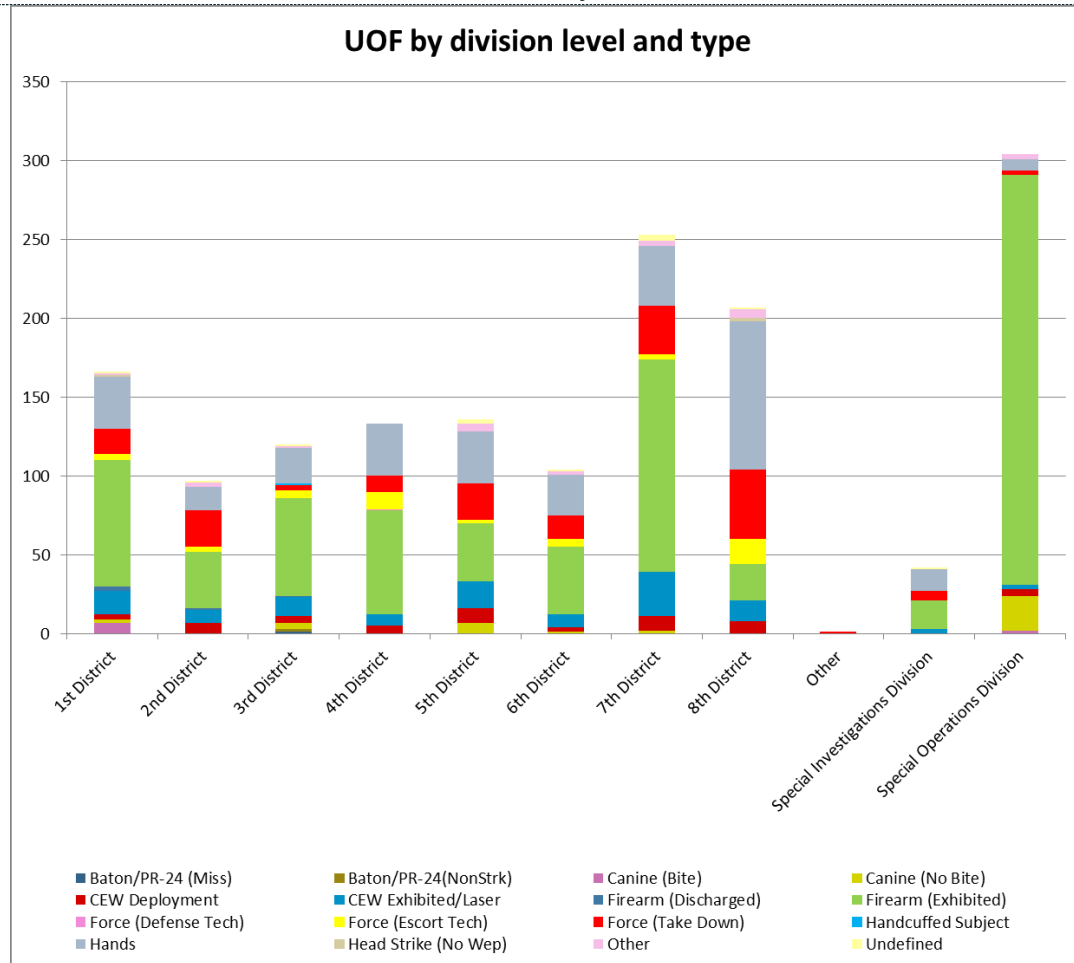- NOPD should review policies around firearms and CEW.

FIGURE 5: UOF BY DIVISION LEVEL AND TYPE

- NOPD's 8th District was the only Division Level where Firearm exhibition did not make up a large percentage of force used.
- Special Operations Division used the most force, followed by the 7th and 8th Districts.
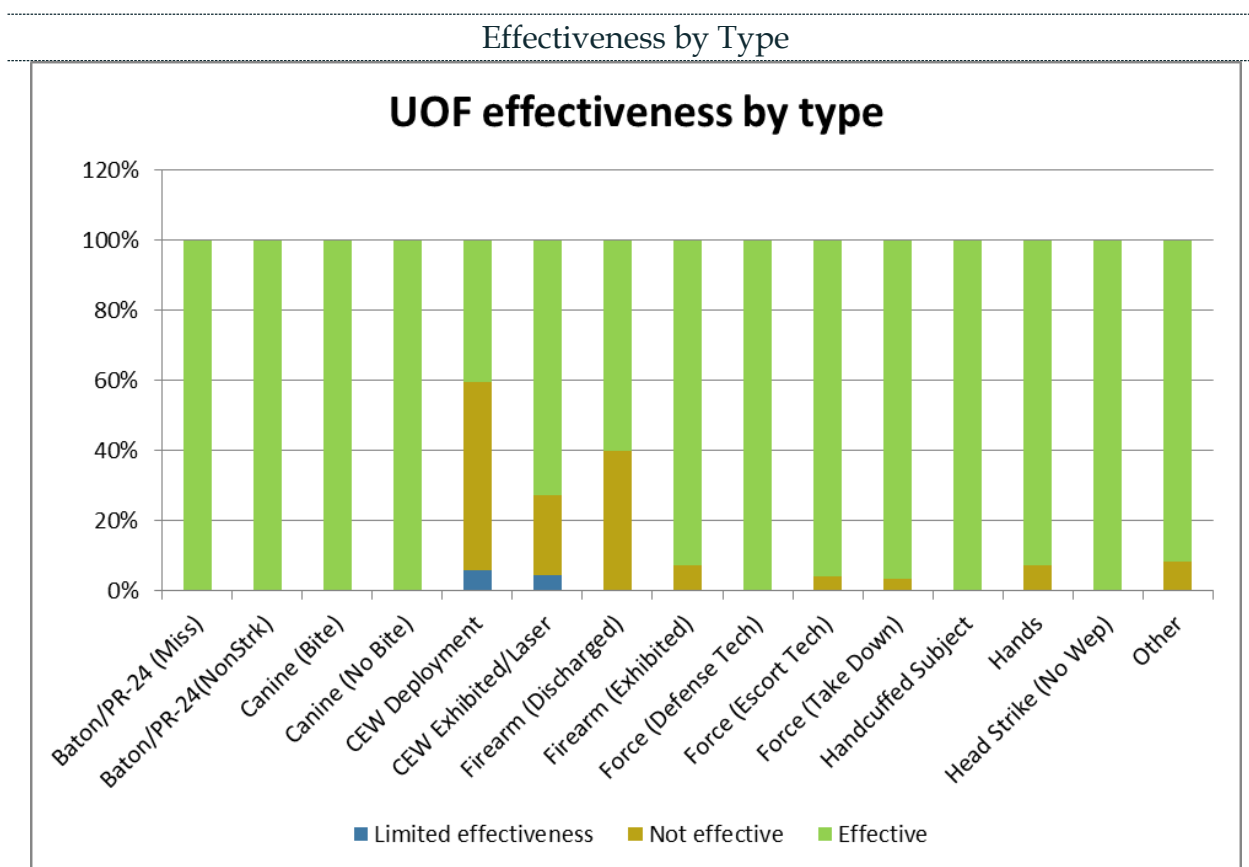
FIGURE 6: UOF EFFECTIVENESS BY TYPE

Data quality and methodology

Thirteen (13) entries with undefined types of force were removed.

More importantly, OIPM and NOPD have discussed that NOPD has no consistent internal definition for the terms "effective", "not effective", and "limited effectiveness". The service provider that provides IAPro suggested the following definitions:

Effective: The force used resulted in stopping the threat or action so no further force was necessary.

Not Effective: The force used did not end the threat, and additional force options had to be utilized in order to end the threat, or the suspect/combatant escaped.

Limited Effectiveness: The force used initially resulted in compliance, but the suspect/combatant overcame the force, created an additional threat which resulted in additional force or he escaped.

Based on comments received from NOPD, it is unlikely that these definitions are known and used by the entire police force.

Analysis

Overall, force is not effective or deemed to have limited effectiveness 10% of the time. This average does not show the fact that most types of force are usually much more effective than this and it is primarily the determined ineffectiveness of CEW that pulls

the average so high. Exhibiting a CEW has been determined "ineffective" or "limited" in effectiveness in 27% of all CEW exhibition incidents from 2016.

Exhibiting firearms was only ineffective 8% of the time in 2016. Although firearm discharges are reported to be relatively ineffective, the reader should keep in mind that there were only 5 intentional discharges in 2016.
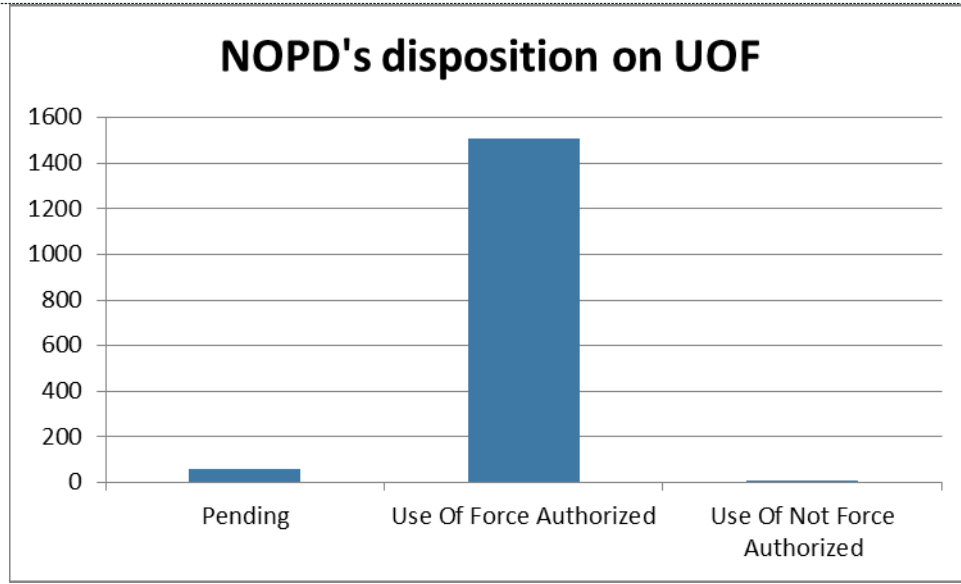
FIGURE 7: NOPD'S DISPOSITION ON UOF

Per the National Institute of Justice[5], "in large departments (those with 100 or more sworn officers), the complaint rate for police use of force was 6.6 complaints per 100 sworn officers. Of these complaints, 8 percent had sufficient evidence to take disciplinary action against the officer." This implies a rate of 0.528 force incidents that lead to discipline per 100 sworn officers.

Given NOPD policy, OIPM believes that all uses of force that lead to disciplinary action following a complaint would also be considered an "unauthorized use of force". This implies that the ratio above can serve as a reasonable point of comparison for NOPD. Given NOPD's 1,239 officers, the expected amount of unauthorized force is 6.5 incidents annually. In 2016, there was only one case of unauthorized force, as determined by NOPD. This number is significantly smaller than what NIJ would predict.

Recommendations
The OIPM and NOPD should work jointly to audit each use of force case to ensure that officers are using force correctly and the supervisory review efforts are closely scrutinized.

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[5] https://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/welcome.aspx
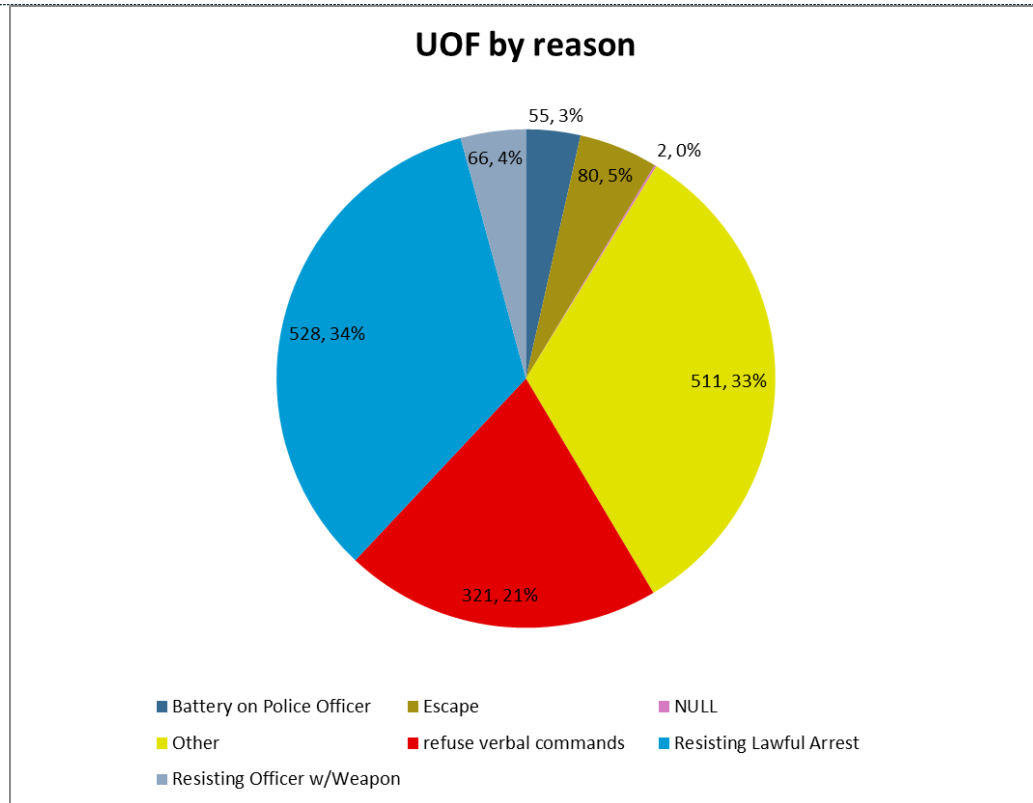
FIGURE 8: UOF BY REASON

Resisting arrest is the most common reasons for force at 34%[6].

"Other" is a close second at 33%, but "other" is not defined, which is concerning given that a third of cases are classified as "other."

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[6] The Office of Consent Decree Monitor reviews incidents where "resisting arrest" charges have been brought against a person as a part of their oversight efforts. Their findings may be found at http://consentdecreemonitor.com/.

Reasons for exhibiting firearms
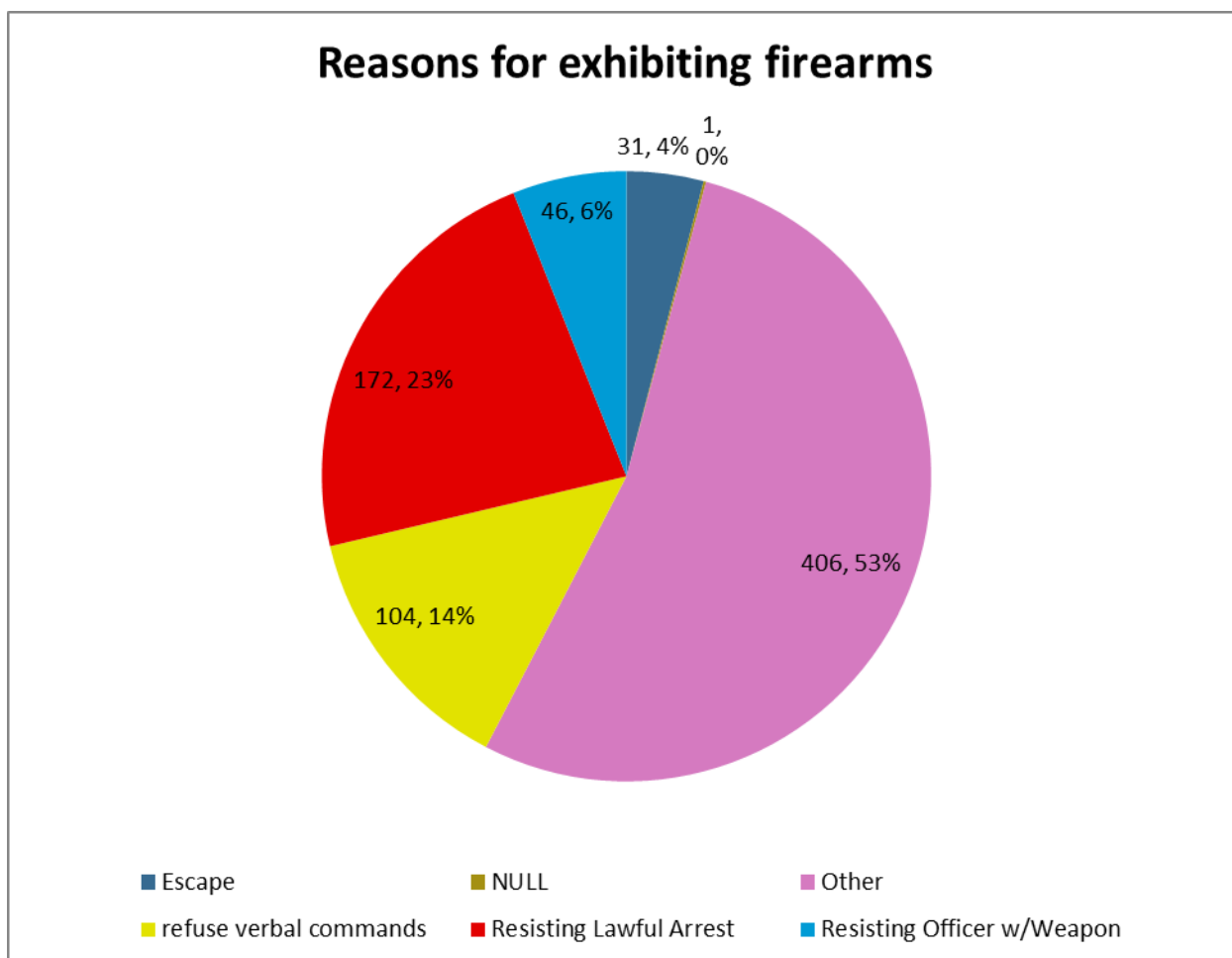
FIGURE 9: REASONS FOR EXHIBITING FIREARMS

The usage of 'other' deserves special attention when the type of force is exhibiting firearms. Figure 9 illustrates how 53% of the time a firearm is drawn, the officer cites 'other' as the reason.

Recommendations

OIPM understands that NOPD officers and their supervisors have a pull-down menu within IAPro from which to select the "reason for force" and OIPM recommends that this pull-down menu be refined in order to allow data analysis to be more helpful.
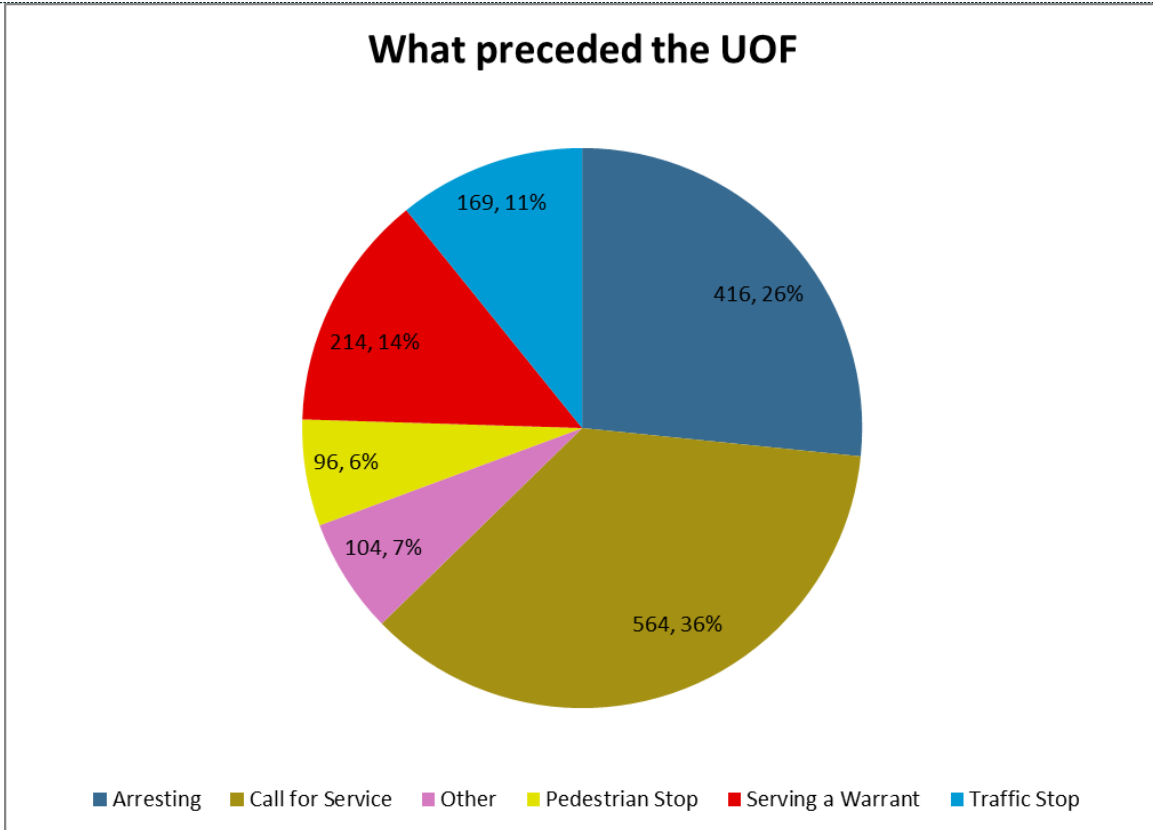
FIGURE 10: UOF BY SERVICE TYPE

Fourteen percent (14%) of UOFs occur while serving a warrant, 26% during arrest, and 36% of UOFs occur during a call for service.

Number of officers responsible for force

FIGURE 11: AVERAGE FTN AND UOF PER OFFICER

FIGURE 12: CONTRIBUTION TO FTN & UOF BY OFFICERS WHO USE FORCE MOST FREQUENTLY

Methodology
The OIPM removed 13 UOF where Employee ID was blank.

Analysis
A minority, 429 officers (35% of police force) used force at least once in 2016. If you consider all of NOPD, you would expect an officer to use force once every two years. If, however, you only consider officers that used force at least once in 2016, you would expect them to use force three times every two years.

Even within the officers that used force, the numbers are pulled higher by a smaller number of officers who use force far more often than anybody else:
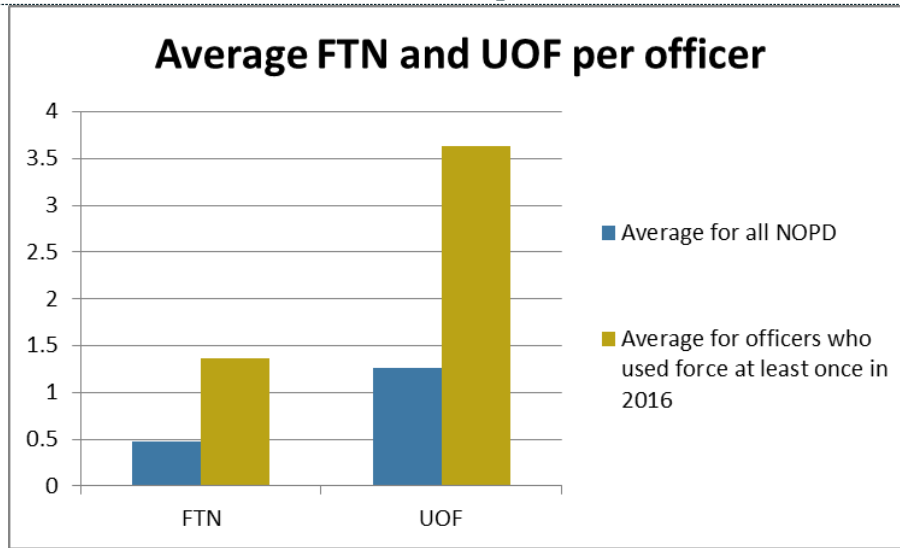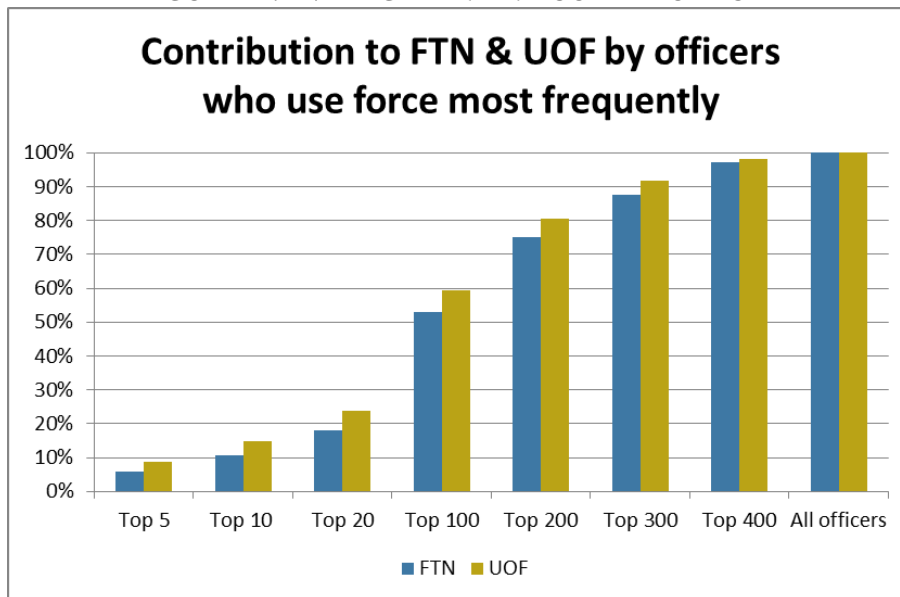
	Contribution to UOF	Contribution to FTN
Top 5 officers	Responsible for 9% of UOF. These five officers are: • All male • 31 – 48 years old • 7-14 years of experience • 2 white, 2 black, 1 Asian • All Tactical Section • All Special Operations	Responsible for 6% of FTN. These five officers are: • 4 males, 1 female • 27 – 42 years old • 3 – 19 years of experience • 3 white, 2 black • 3 Narcotics, 1 Tactical Section, 1 A Platoon • One 5th District, one 7th District, one Special Operations, two 8th District
Top 10 officers	Responsible for 15% of UOF. These ten officers are: • 9 males, 1 female • 31 – 48 years old • 3 – 19 years of experience • 5 black, 4 white, 1 Asian • 7 Tactical Section, 2 Narcotics, 1 A Platoon • Seven Special Operations, two 8th District, one 7th District	Responsible for 11% of FTN. These ten officers are: • 9 males, 1 female • 26 – 47 years old • 1 - 25 years of experience • 6 white, 4 black • 5 Narcotics, 1 Tactical Section, 2 A Platoon, 2 Task Force • Two 5th District, five 7th District, one Special Operations, two 8th District
Top 20 officers	Responsible for 24% of UOF. These twenty officers are:	Responsible for 18% of FTN. These twenty officers are:

	• 19 males, 1 female • 26 – 51 years old • 1 – 25 years of experience • 9 black, 9 white, 1 Hispanic, 1 Asian • 7 Tactical Section, 5 Narcotics, 2 A Platoon, 3 Task Force, 2 K9 Section, 1 C Platoon • Nine Special Operations, three 8th District, three 7th District, two 3rd District, two 5th District, one 6th District	• 19 males, 1 female • 26 – 48 years old • 1 - 25 years of experience • 10 white, 6 Black, 2 Asian, 2 Hispanic • 7 Narcotics, 4 Tactical Section, 2 A Platoon, 2 Task Force, 2 C Platoon, 2 B Platoon, 1 K9 Section • Two 5th District, five 7th District, five Special Operations, six 8th District, one 2nd District, one 1st District
Half of force	69 officers were responsible for 50% of UOF. Another way of saying this is that 5.6% of all officers are responsible for half of all UOF.	90 officers were responsible for 50% of FTN. Another way of saying this is that 7.3% of all officers are responsible for half of all FTN.

Figure 13: Contribution to UOF and FTN by Officers Who Use Force Most Frequently
There is partial but not total overlap of officers with most FTN vs UOF. These officers cover a wide age range, 27 -51 and tend to have 7+ years of experience.

Black officers account for roughly half of the most frequent uses of force. This is proportional to their 54% representation amongst active officers. White officers appear to be slightly overrepresented given they only account for 38% of the police force. Hispanic officers and Asian officers appear to be even more overrepresented given that they make up 3% and 1% of the police force, respectively. It should be noted that racial demographics of officers in units most likely to use force may differ from the officer demographics of the police force of a whole. OIPM did not do any further analysis into this issue.

Officers from Special Operations contribute heavily to both FTN and UOF usage. Their presence is strongest when analyzed by UOF. Special Operations often have encounters with large groups of individuals and often roll out in large units. Special Operations also often serve high risk arrest warrants.

Recommendations

- These results highlight the importance of the Early Intervention System, which NOPD has been developing. OIPM continues to request in office access to this system so that its effectiveness can be more closely monitored.

Use of Force by Officer Age
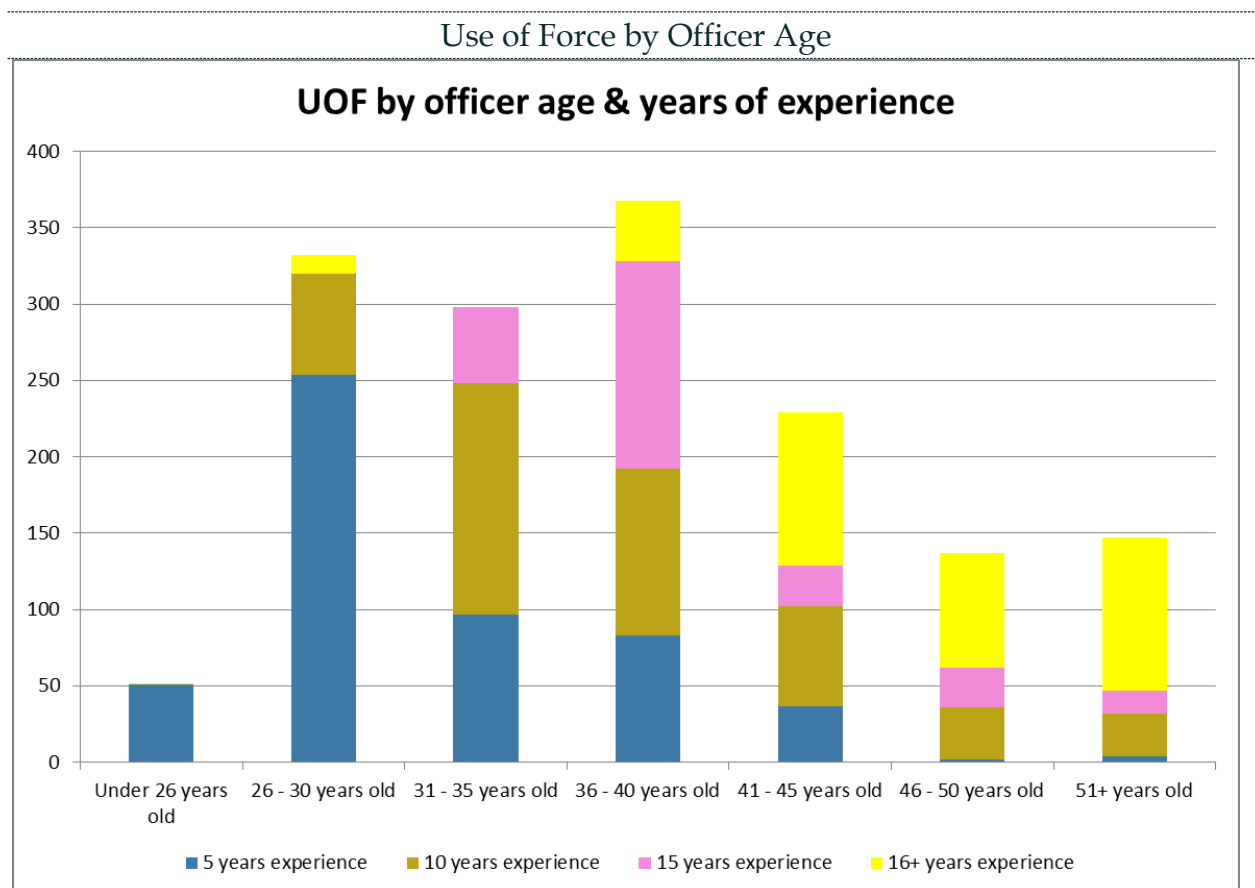
FIGURE 14: UOF BY OFFICER AGE & YEARS OF EXPERIENCE

Data quality and methodology
See *Appendix I: Notes on use of force by officer age and experience.*

Analysis
Seventy-six percent (76%) of force is used by officers 42 years old and younger (1,188 of 1,563). There is a negative correlation between amount of force and age (i.e. older officers use less force) but this is not apparent until officers reach 42.

Neither age or years of experience appear to be a very good predictor of force. Officers 36-40 use the most force and the majority have over 10 years of experience by that point.

Type of Force by Officer Race			
	Percentage of police force	**Contribution to UOF**	**Contribution to FTN**
Asian/Pacific Islander	1%	3%	3%
Black	54%	47%	46%
Hispanic	3%	4%	4%
Not specified	3%	2%	2%
White	38%	43%	45%

FIGURE 15: CONTRIBUTION TO FTN AND UOF BY OFFICER RACE

Looking at the percentage of the force that white officers comprise, they appear to be using slightly more force than their black colleagues. Without doing deeper analysis, it is difficult to extrapolate proportionality of force by Hispanic and Asian officers. There are two Native American officer employed by NOPD and they did not use any force in 2016.
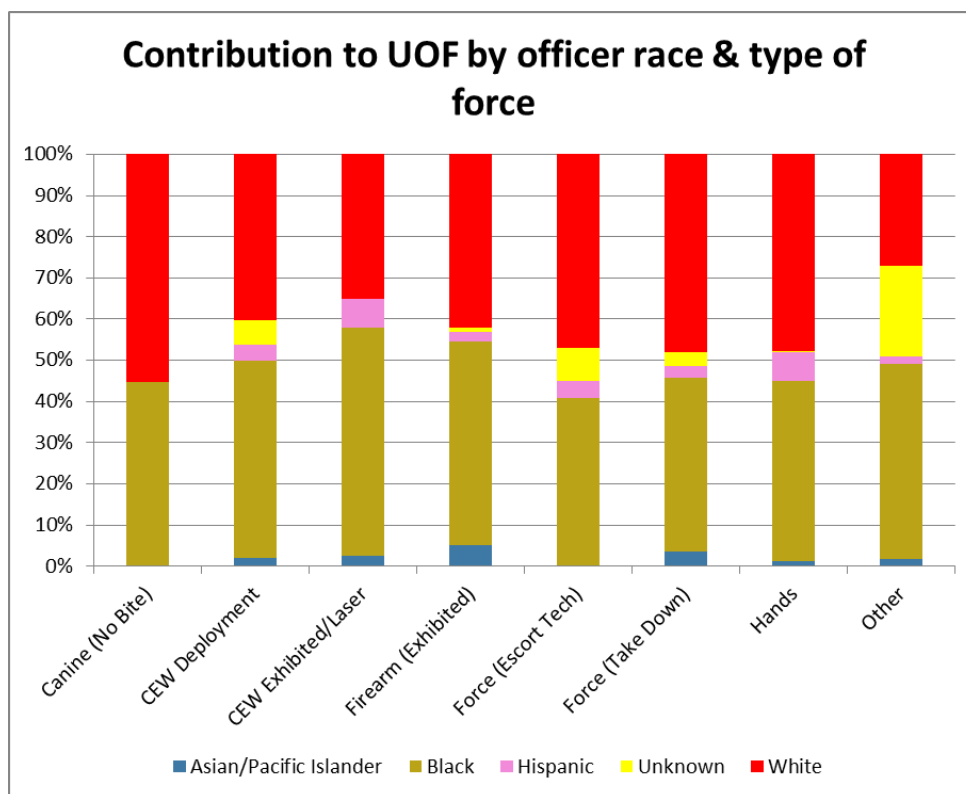
FIGURE 16: CONTRIBUTION TO UOF BY OFFICER RACE AND TYPE OF FORCE

Figure 15 is effective in highlighting the negligible impact on use of force statistics by races other than black and white. Throughout this report, we will analyze racial data based on all of the races that are listed in the datasets, but we will also consolidate race to "black" and "non-black" when that re-classification is most helpful for understanding the data.
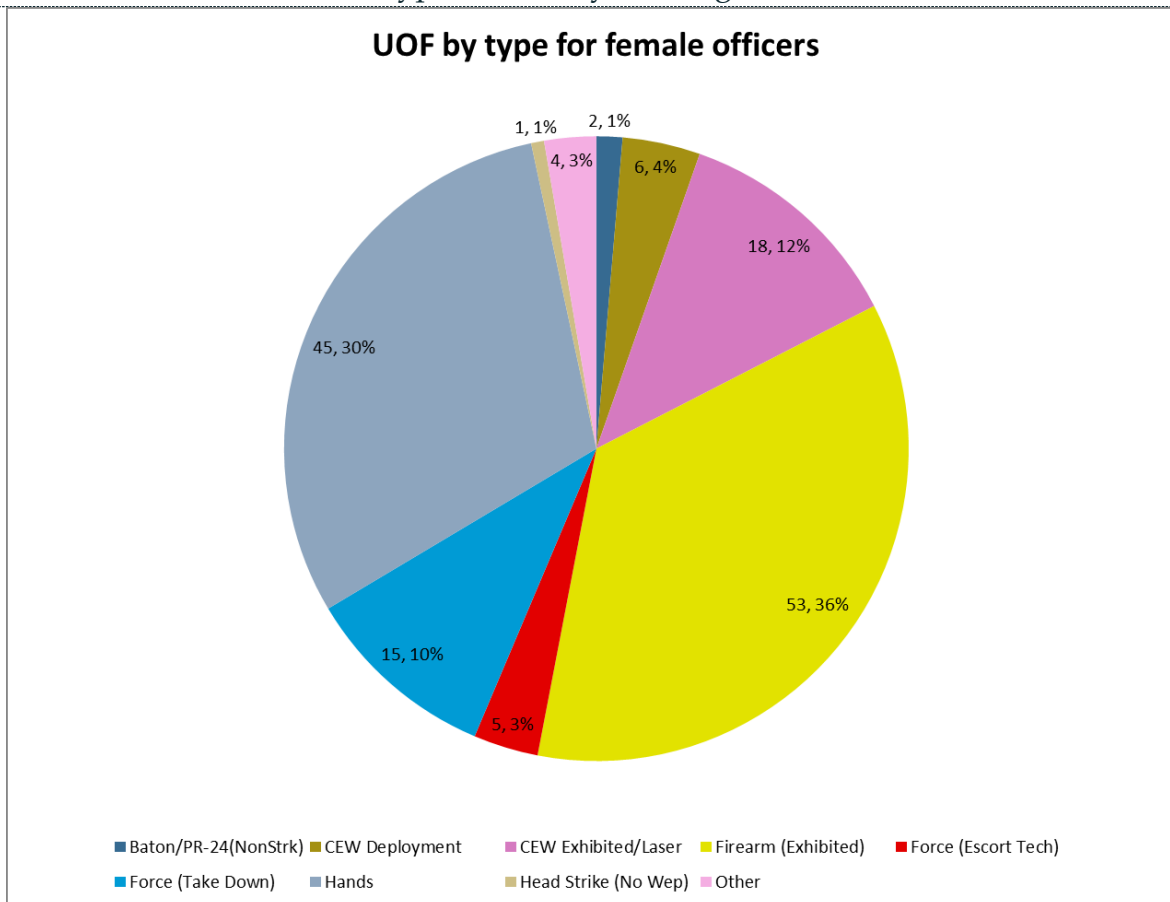
FIGURE 17: UOF BY TYPE FOR FEMALE OFFICERS
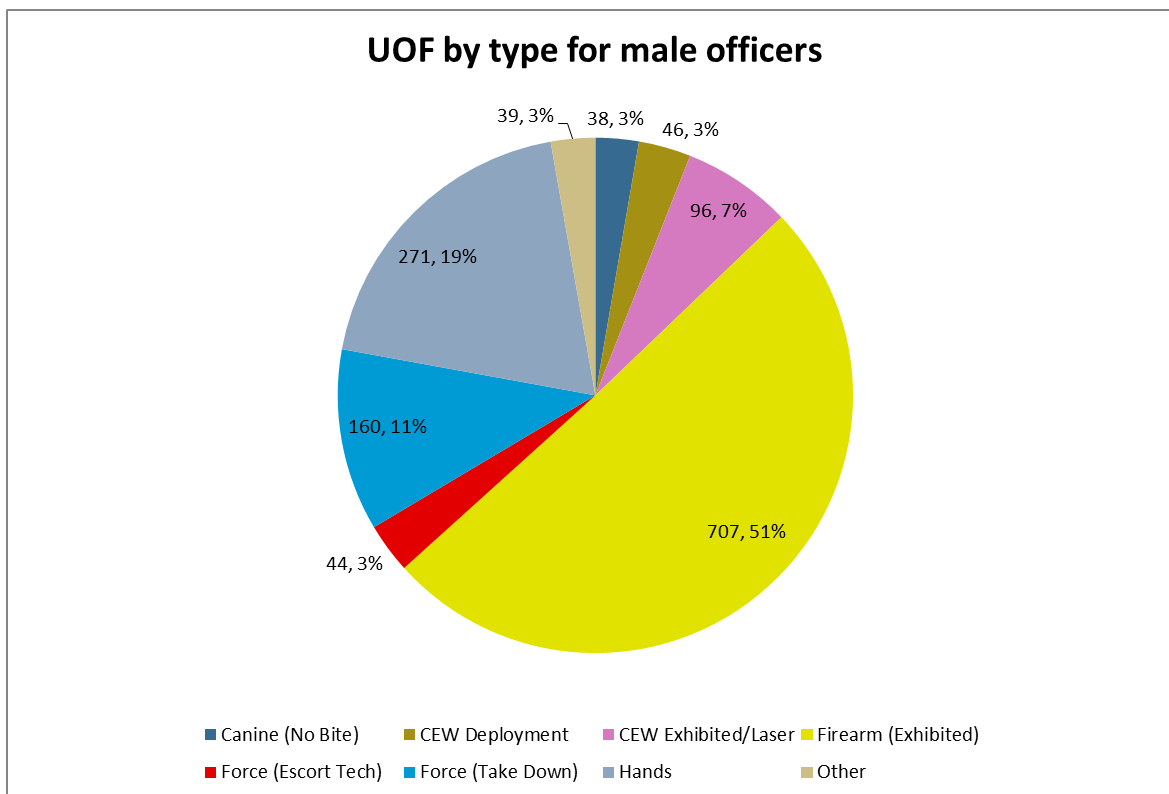
FIGURE 18: UOF BY TYPE FOR MALE OFFICERS

Female officers are more likely to use their hands than males. Thirty percent (30%) of force by females is hands, 19% for males.

Males are more likely to exhibit firearms than females. Fifty-one (51%) of force used by male officers is exhibiting firearms. It is only 36% for females.

These results deserve further analysis to understand how the difference in officer assignment based on gender may impact the types of situations they are most likely to encounter and the types of force most appropriate for those scenarios.

UOF leading to officer injury

124, 8%

1439, 92%

■ Officer not injured   ■ Officer injured
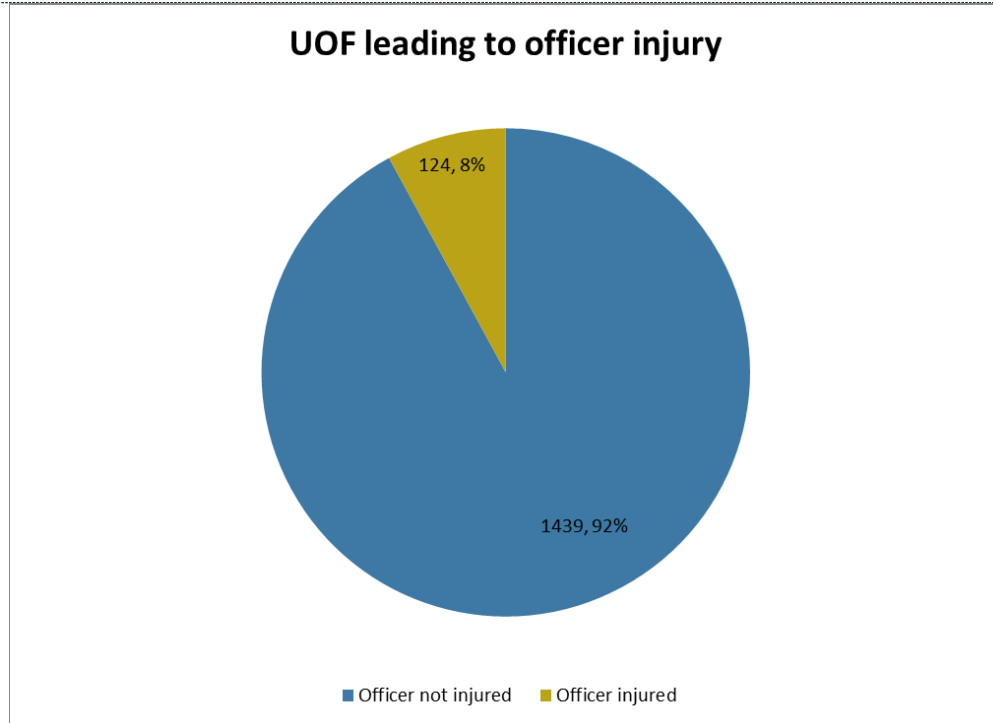
FIGURE 19: UOF LEADING TO OFFICER INJURY

NOPD police officers face a real risk of injury and death. This is critical to understanding the context in which officers make decisions to use force. But risk of injury is not unique to officers. Individuals who are the subjects of police force also face a risk of injury. See "UOF leading to individual injury" for reference to how UOF injury risk applies to individuals who are subjected to NOPD use of force.

RACE OF SUBJECT BY MONTH
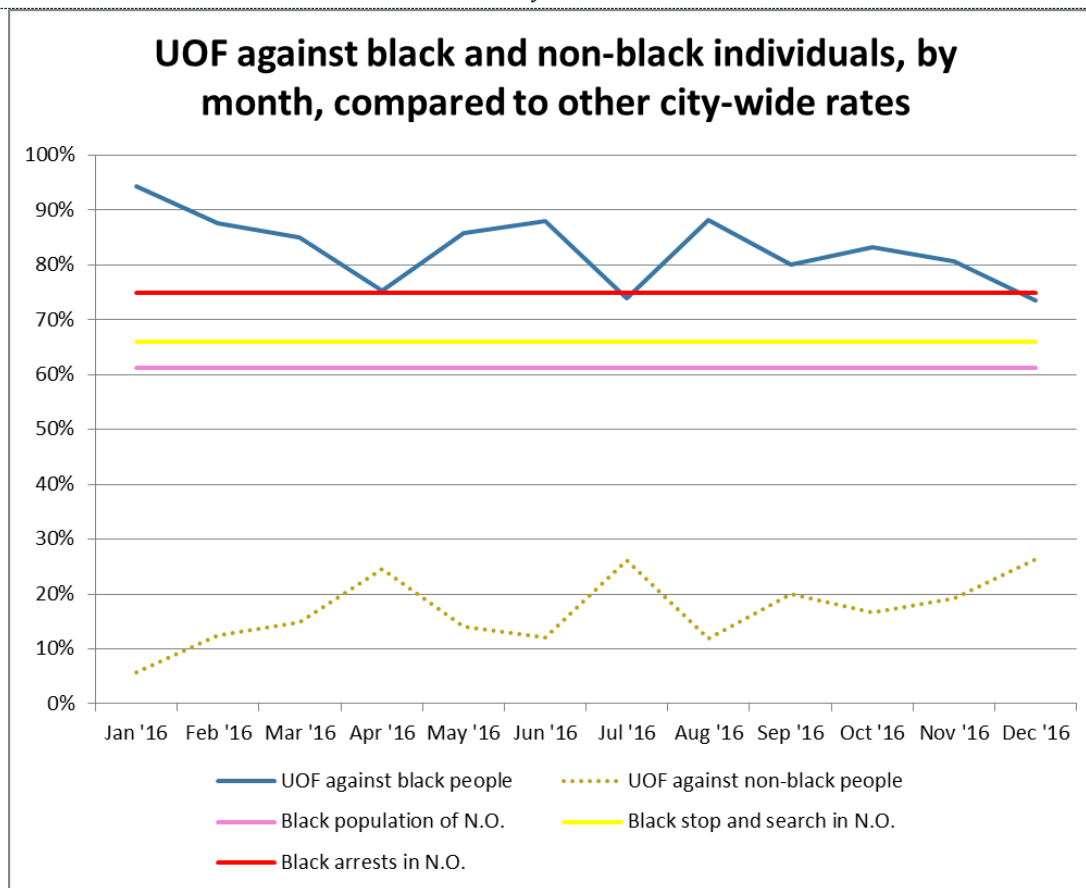
FIGURE 20: UOF AGAINST BLACK AND NON-BLACK INDIVIDUALS

- 12 out of 12 months saw a majority of force used against black people when compared to the city-wide population or stop and search rate of black people.
- Use of force against black people remained high throughout the year.
- Given that black people make up a sixty percent (60%) majority of the city's population, one might expect that black people would experience a similar majority of police force. However, because black people were involved in 83% of all UOFs and 72% of all FTNs, the amount of force used against black people appears to be disproportional.
- It should be noted that force is not proportional to arrests. Force can occur without there being an arrest, just like an arrest can occur without there being force.
- OIPM recommendation: Because of the civil rights violations implicated by this preliminary analysis, IPM recommends that NOPD look closely at disproportional use of force against black people, in addition to disproportional rates of arrests and stops. As noted elsewhere in this report, we recommend that NOPD collect more data about the outcomes of stops and arrests, especially if

they lead to uses of force. IPM will continue to monitor UOF rates in relation to race of individuals.
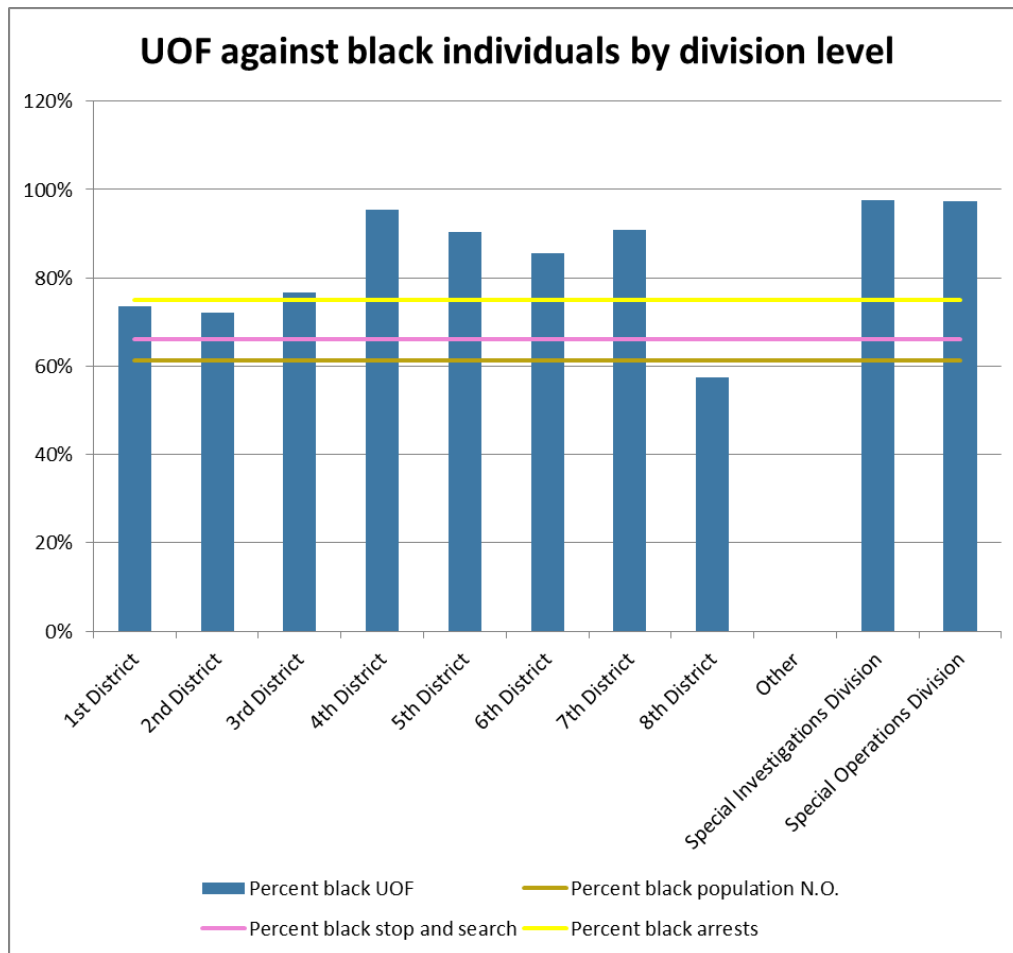
FIGURE 21: UOF AGAINST BLACK INDIVIDUALS BY DIVISION LEVEL

Because the racial demographics are different district to district, it is more helpful to look at this data up close, district by district, in *Appendix C: Race based comparisons for NOPD districts in 2016*

Looking at the graphic above, and the District graphics in *Appendix E: Arrest totals by district and* race, it appears that similar patterns are evident in each district. Typically, of all the data that we're cross-referencing in the data, the lowest number corresponds with the percent of the population of that district that is black.

FIGURE 22: MAP OF 8 NOPD DISTRICTS

The above graphic, for example. The next highest number is the percent of Stops and Searches that were stops of black people. The next highest numbers are usually UOF against blacks and arrests of black people, interchangeably. For this reason, disproportionality of force and criminality of black people above the other races is a main focus of this report. In fact, disproportionality appears to be widest in the districts where there are fewer black residents, such as Districts 2, 4, and 6. Again, see *Appendix C: Race based comparisons for NOPD districts in 2016.*

For full results, see *Appendix J: BLACK CONTRIBUTION TO UOF BY DIVISION.*
Analysis

- o Officers appear more likely to use a gun against black people than they are to use a CEW.
- o Blacks are the race with the highest likelihood of having a gun pointed at them by police.
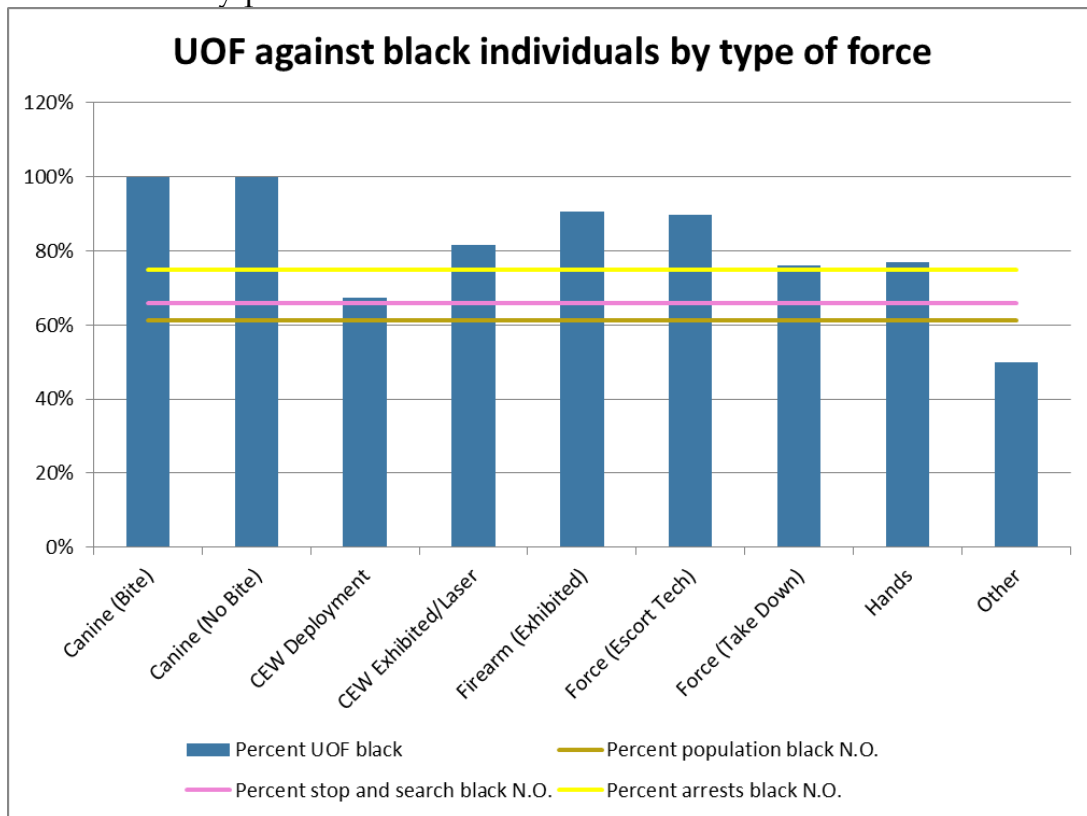
FIGURE 23: UOF AGAINST BLACK INDIVIDUALS BY TYPE OF FORCE

	Level 1	Level 2	Level 3	Level 4	Total
Female	193	25	0	3	221
Male	1077	214	3	15	1309
Total	**1270**	**239**	**3**	**18**	**1530**

FIGURE 24: TYPE OF FORCE TO INDIVIDUAL'S GENDER

Methodology
- We took out of this analysis of an individual's gender from 33 cases where gender was listed as "unknown" or "null," leaving 1,530 cases.

Analysis
- 85% of all NOPD force in 2016 was directed at men, leaving 15% at women.
- When organized by level of force, the ratio of force against men and women stays fairly consistent.
  - Level 1 = 85% male, 15% female
  - Level 2 = 90% male, 10% female
  - Level 3 = 100% male, 0% female
  - Level 4 = 83% male, 17% female
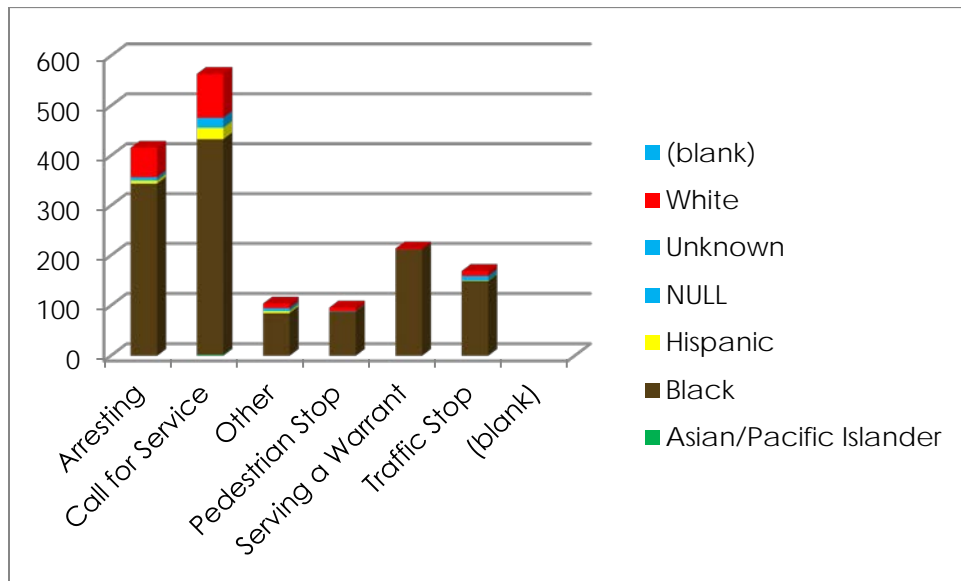
FIGURE 25: SERVICE TYPE BY INDIVIDUAL RACE

Resisting arrest is often cited by officers as the reason that they use force. These types of arrests need to be reviewed more closely.

Calls for service is the NOPD "service type" that led to the most UOF incidents in 2016.
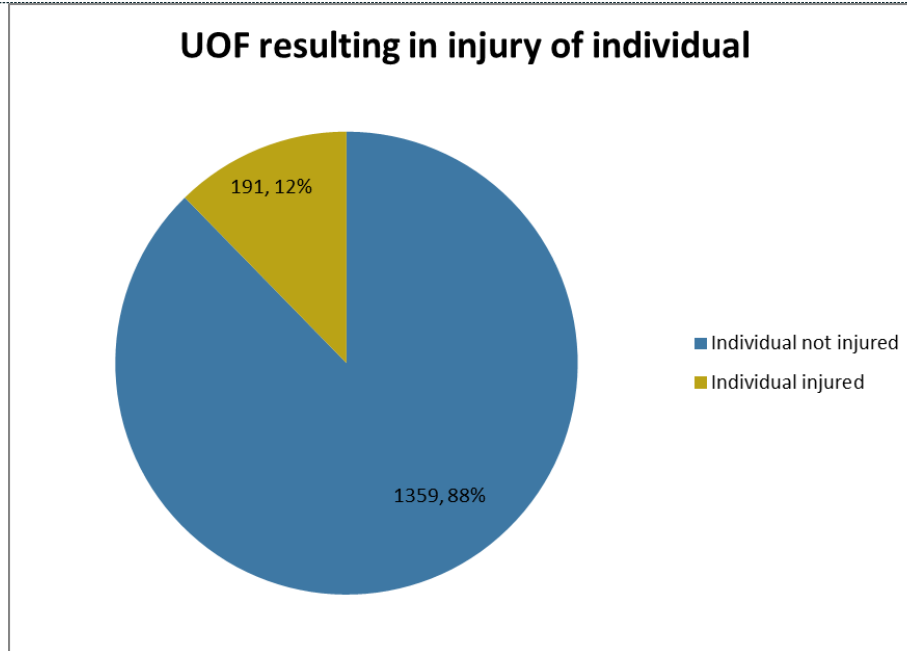
FIGURE 26: UOF RESULTING IN INJURY OF INDIVIDUAL

It appears that injuries are likely to occur during a UOF about 12% of the time. They occur at about the same rate to officers that they do to individuals subjected to force.

Appendix A: Levels of Reportable Use of Force

NOPD OPERATIONS MANUAL, CHAPTER: 1.3.6
LEVELS OF REPORTABLE USE OF FORCE

10. For reporting and investigative purposes, the Department categorizes use of force by its members into four (4) force reporting levels:
     LEVEL 1

11. Level-1 uses of force include pointing a firearm or CEW at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques or that result in injury or complaint of injury. (Note: Hand control or escort techniques applied for the purposes of handcuffing or escorts that are not used as pressure point compliance techniques, do not result in injury or complaint of injury, and are not used to overcome resistance, are not reportable uses of force.)
     LEVEL 2

12. Level-2 uses of force include use of a CEW (including where a CEW is fired at a person but misses); use of an impact weapon to strike a person but where no contact is made; use of a baton for non-striking purposes (e.g., prying limbs, moving or controlling a person); and weaponless defense techniques (e.g., elbow strikes, kicks, leg sweeps, and takedowns).
     LEVEL 3

13. Level-3 uses of force include any strike to the head (except for a strike with an impact weapon); use of impact weapons where contact is made (except to the head), regardless of injury; or the destruction of an animal.
     LEVEL 4

14. Level-4 uses of force include all 'serious uses of force' as listed below:
     (a) All uses of lethal force by an NOPD officer;
     (b) All critical firearm discharges by an NOPD officer;
     (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
     (d) All neck holds;
     (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
     (f) All canine bites;
     (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for longer than 15 seconds, whether continuous or consecutive;
     (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring treatment at a hospital.

NON-REPORTABLE LEVELS OF FORCE

15.   Hand control or escort techniques applied for the purposes of handcuffing or escorts that are not used as pressure point compliance techniques, do not result in injury or complaint of injury, and are not used to overcome resistance, are not reportable uses of force, e.g., simply handcuffing someone, simply escorting a handcuffed prisoner.

Appendix B: Steps taken to normalize data on division and division level

- Multiple rows have identical Division Level and Division designations. OIPM considers all these cases to have unknown Divisions.
- Further inconsistencies were found in the categorization of Divisions. The following changes were made in favor of data consistency.
    - Day Watch => A Platoon
    - 1st Platoon => A Platoon
    - Second Watch => B Platoon
    - Evening Watch => B Platoon
    - 2nd Platoon => B Platoon
    - Night Watch => C Platoon
    - 3rd Platoon => C Platoon
    - Any division with fewer than 30 rows => "Other"
- For reference, A Platoon is the morning shift, B Platoon is the evening shift, and C Platoon is the night shift.
- For easier reading Division Levels '1st District' – '8th District', 'Special Investigations Division' and 'Special Operations Division' have been kept intact. All other Division Levels have been combined into an "Other" Category.

Appendix C: Race based comparisons for NOPD districts in 2016

- All New Orleans
  - **Population:** 61% residents are black / 39% not black
  - **Arrests:** 75% black
  - **Stop and search:** 66% black
- District 1 – Treme and Mid-City
  - **Population:** 69% black / 31% not black
  - **Arrests:** 78% black
  - **Stop and search:** 66% black
- District 2 – Uptown and Carrollton
  - **Population:** 36% black / 64% not black
  - **Arrests:** 71% black
  - **Stop and search:** 61% black
- District 3 – Lakeview, Gentilly and West End
  - **Population:** 51% black / 49% not black
  - **Arrests:** 79% black
  - **Stop and search:** 69% black
- District 4 - Algiers
  - **Population:** 66% black / 34% not black
  - **Arrests:** 83% black
  - **Stop and search:** 81% black
- District 5 – Upper 9th, Lower 9th Ward and Bywater
  - **Population:** 83% black / 17% not black
  - **Arrests:** 81% black
  - **Stop and search:** 73% black
- District 6 – Irish Channel, Central City and Garden District
  - **Population:** 49% black / 51% not black
  - **Arrests:** 76% black
  - **Stop and search:** 64% black
- District 7 – New Orleans East
  - **Population:** 85% black / 15% not black
  - **Arrests:** 81% black
  - **Stop and search:** 85% black
- District 8 – French Quarter and CBD
  - **Population:** 12% black / 88% not black
  - **Arrests:** 59% black
  - **Stop and search:** 48% black

Population of Orleans Parish, by NOPD district, from US Census 2010								
	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	Citywide Totals
White	5866	32977	24516	13090	3719	15206	2401	6995	104770

Black	20711	21642	30097	34585	24755	17925	54081	1070	204866
Latino	2926	3133	3271	2728	992	2402	2120	479	18051
Asian	270	1217	1099	1438	100	553	4898	308	9883
American Indian	54	144	132	151	91	106	96	53	827
(Other)	503	1112	1086	793	427	640	714	157	5432
total	30330	60225	60201	52785	30084	36832	64310	9062	343829

Percentage of one race in population, by NOPD district, 2010 (census)									
	district 1	district 2	district 3	district 4	district 5	district 6	district 7	district 8	total
White	19%	55%	41%	25%	12%	41%	4%	77%	30%
Black	68%	36%	50%	66%	82%	49%	84%	12%	60%
Latino	10%	5%	5%	5%	3%	7%	3%	5%	5%
Asian	1%	2%	2%	3%	0%	2%	8%	3%	3%
American Indian	0%	0%	0%	0%	0%	0%	0%	1%	0%
(Other)	2%	2%	2%	2%	1%	2%	1%	2%	2%

Appendix D: Racial composition of NOPD officers active in 2016

Ethnicity / race of active NOPD officers in 2016

- American Indian/Alaska Native
- Asian/Pacific Islander
- Black
- Hispanic
- Not Applicable (Non-U.S.)
- Not Specified
- White
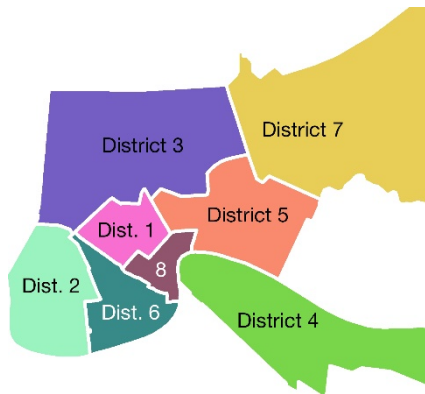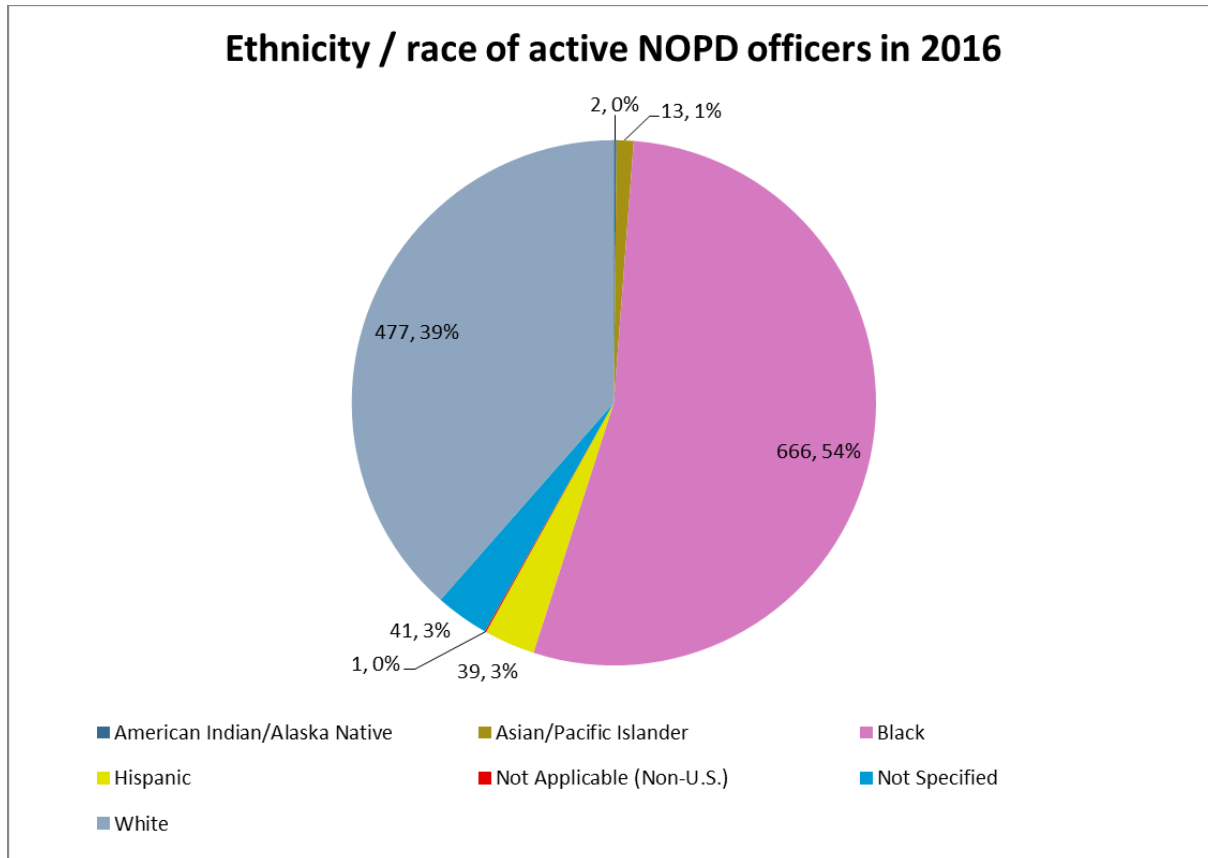
Officer's race	Number of NOPD officers	Percentage of force
American Indian/Alaska Native	2	0.20%
Asian/Pacific Islander	13	1.00%
Black	666	53.80%
Hispanic	39	3.10%
Not Applicable (Non-U.S.)	1	0.10%
Not Specified	41	3.30%
White	477	38.50%
Total	1,239 officers	

Appendix E: Arrest totals by district and race

District	AMER. IND.	ASIAN	BLACK	HISPANIC	UNKNOWN	WHITE	Grand Total
1		1	2083	84	170	321	2659
2		7	1881	53	282	426	2649
3		11	2056	37	171	338	2613
4		8	1854	29	218	131	2240
5		4	2280	43	269	224	2820
6		9	2420	47	302	418	3196
7	1	27	3061	53	463	191	3796
8	3	14	2507	102	328	1320	4274
Grand Total	**4**	**81**	**18142**	**448**	**2203**	**3369**	**24247**

Appendix F: Arrest percentages by district and race

District	AMER. IND.	ASIAN	BLACK	HISPANIC	UNKNOWN	WHITE	Not black*
1	0%	0%	78%	3%	6%	12%	22%
2	0%	0%	71%	2%	11%	16%	29%
3	0%	0%	79%	1%	7%	13%	21%
4	0%	0%	83%	1%	10%	6%	17%
5	0%	0%	81%	2%	10%	8%	19%
6	0%	0%	76%	1%	9%	13%	24%
7	0%	1%	81%	1%	12%	5%	19%
8	0%	0%	59%	2%	8%	31%	41%
Total	0%	0%	75%	2%	9%	14%	25%

* Not black equal to 100% - black%. The reasoning for this methodology is described in the methodology section for use of force incidents.

Appendix G: Arrests by year

Year	Arrests	Source
2010	45,747	NOPD Annual Report
2011	79,316	NOPD Annual Report
2012	87,814	NOPD Annual Report
2013	48,859	NOPD Annual Report
2014	36,122	NOPD Annual Report
2015	27,974	NOPD Annual Report
2016	24,247	data.nola.gov

Appendix H: Notes on level and type of force

Methodology

The following normalization was performed on the type of force for data clarity.
- "NULL", blank => "Undefined",
- "Rifle (Discharged)" => "Firearm (Discharged)"
- "Rifle (pointed)" => "Firearm (Exhibited)"
- "CEW" => "CEW Deployment"

NULL force levels were also changed to "Undefined".

Accuracy

Canine (No bite) appears as both level 1 and level 2. It is unclear why.

"Handcuffed subject" is listed as the type of force for 3 of 20 level 4 UOF. OIPM believes this is a misclassification.

"No force by officer" is no longer being reported in 2016. In 2015, there were several entries with this confusing designation. OIPM applauds NOPD for stopping this practice.

Appendix I: Notes on use of force by officer age and experience

Methodology

- Removed officers with ages stated as 135 and 136 years old.

Data quality

- There are some 26-30 year olds with 16+ years of experience. Not only is this unlikely, but these people appear to exit active duty by the time they reach the 31-35 age range.
- It is also worth noting that there is a relatively high number of officers 51+ years old with less than 10 years of experience.

1st District

**Black contribution to UOF in 1st District
(Treme & Mid-City)**

Legend:
- UOF percent against black individuals
- Percent black population in 1st District
- Percent black arrests in 1st District
- Percent black stop and search in 1st District

Black contribution to UOF in 2nd District (Uptown @ Carrollton)

Legend:
- UOF percent against black individuals
- Percent black population in 2nd District
- Percent black arrests in 2nd District
- Percent black stop and search in 2nd District

**Black contribution to UOF in 3rd District
(Lakeview, Gentilly, & West End)**

Legend:
- UOF percent against black individuals
- Percent black population in 3rd District
- Percent black arrests in 3rd District
- Percent black stop and search in 3rd District

Black contribution to UOF in 4th Distict (Algiers)

Legend:
- ■ UOF percent against black individuals
- — Percent black population in 4th District
- — Percent black arrests in 4th District
- — Percent black stop and search in 4th District

Black contribution to UOF in 5th District (Upper / Lower 9th Ward & Bywater)

Legend:
- ■ UOF percent against black individuals
- — Percent black population in 5th District
- — Percent black arrests in 5th District
- — Percent black stop and search in 5th District

Black contribution to UOF in 6th District (Irish Channel, Central City & Garden District)

Legend:
- UOF percent against black individuals
- Percent black population in 6th District
- Percent black arrests in 6th District
- Percent black stop and search in 6th District

7th District

Black contribution to UOF in 7th District (New Orleans East)

Legend:
- UOF percent against black individuals
- Percent black population in 7th District
- Percent black arrests in 7th District
- Percent black stop and search in 7th District

Black contribution to UOF in 8th District (French Quarter & CBD)

Legend:
- UOF percent against black individuals
- Percent black population in 8th District
- Percent black arrests in 8th District
- Percent black stop and search in 8th District
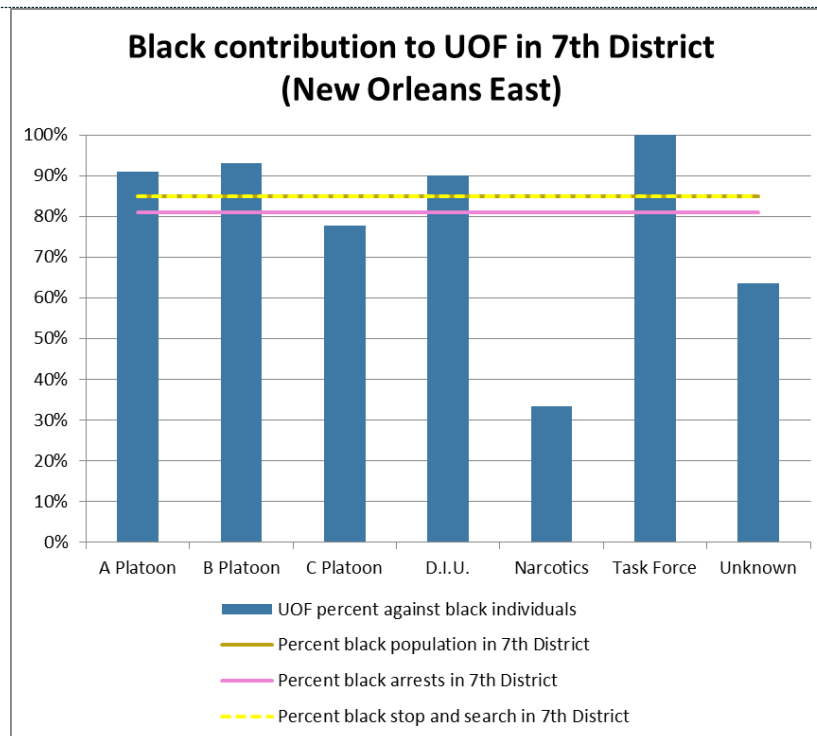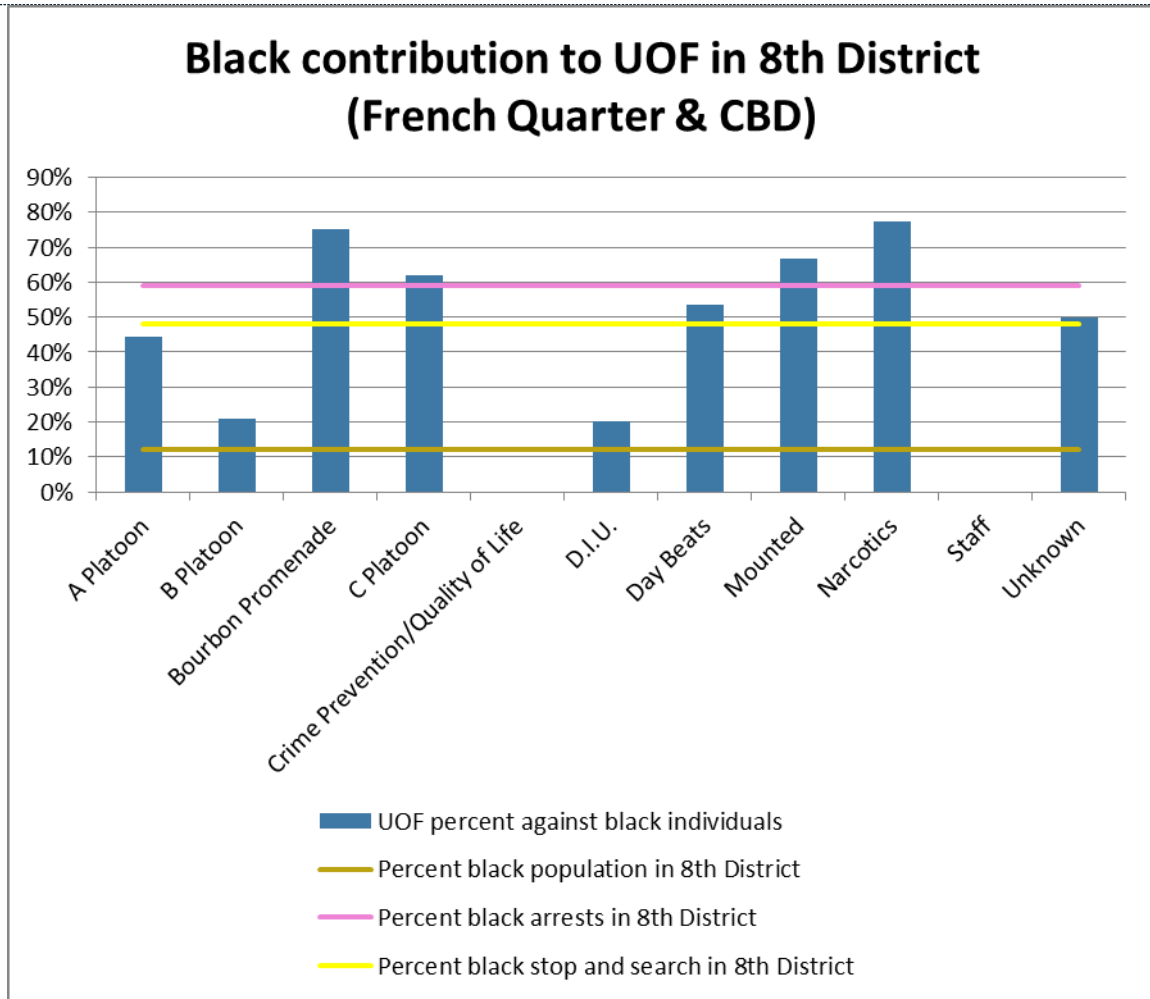
Appendix K: Stop and Search Data

Race	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	Total
American Indian	7	4	5	1	4	0	5	6	32
Asian	27	41	38	33	22	51	94	75	381
Black	3263	3126	5642	2691	3707	4951	4432	3852	31664
Hispanic	247	179	177	86	115	225	115	259	1403
White	1284	1630	2120	464	1139	2281	429	3714	13061
Total Stops	**4828**	**4980**	**7982**	**3275**	**4987**	**7508**	**5075**	**7906**	**46541**

Percentage of total Stops and Searches by Race

Race	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	Total
American Indian	0.14%	0.08%	0.06%	0.03%	0.08%	0.00%	0.10%	0.08%	**0.07%**
Asian	0.56%	0.82%	0.48%	1.01%	0.44%	0.68%	1.85%	0.95%	**0.82%**
Black	67.58%	62.77%	70.68%	82.17%	74.33%	65.94%	87.33%	48.72%	**68.03%**
Hispanic	5.12%	3.59%	2.22%	2.63%	2.31%	3.00%	2.27%	3.28%	**3.01%**
White	26.59%	32.73%	26.56%	14.17%	22.84%	30.38%	8.45%	46.98%	**28.06%**